



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION I  
5 POST OFFICE SQUARE, 8<sup>th</sup> FLOOR  
BOSTON, MASSACHUSETTS 02109-3921

July 25, 2019

President Maud S. Mandel  
Williams College  
[msm8@williams.edu](mailto:msm8@williams.edu)

Re: Complaint No. 01-19-2129  
Williams College

Dear President Mandel:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against Williams College (College). The Complainant alleges that the College engaged in discrimination on the basis of race or national origin (Jewish ancestry) when the College Council rejected a proposal to create a registered student organization called the Williams Initiative for Israel (WIFI). As explained further below, before OCR completed its investigation, the College expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement (Agreement).

OCR enforces Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics, in any program or activity receiving federal financial assistance from the Department. Because the College receives federal financial assistance from the Department, OCR has jurisdiction over it pursuant to Title VI.

#### Summary of Preliminary Investigation

The College Council (Council) is the College's student government. According to the College, the Council is independently organized: it receives some advice from the Office of Student Life, but its charter is voted on by the students and its bylaws are maintained by the Council. According to the College, it is not involved in the creation or amendment of those bylaws or in the Council's meetings.

Among the responsibilities of the Council is approval of student organizations seeking to become registered student organizations (RSOs). According to the College, the Council bylaws dictate that where an organization establishes that it is not duplicative of an existing student group and agrees to abide by the College's statement of nondiscrimination and non-harassment, it should be granted recognition.

The College's Student Handbook also describes a separate pathway by which an organization can become an RSO: the application is reviewed not by the Council, but by "a committee of

representatives from College Council, the Office of Student Life, the Office of the Vice President for Finance & Administration, and Athletics.”

According to the OCR complaint and other materials reviewed to date, during two Council meetings in April 2019, the Council discussed a petition brought by Jewish students, including one student of Israeli descent, for WIFI to become an RSO. Among other activities, students indicated that WIFI planned to hold events, including Jewish cultural events and celebrations of Jewish and Israeli holidays. In the first meeting, on April 16, 2019, the Council was scheduled to hear a petition for the recognition of WIFI. The petition was discussed for approximately 45 minutes, before the Council tabled the petition until the following week.

During the second meeting, on April 23, 2019, the Council, attendees in favor of WIFI, and attendees opposed to WIFI again discussed the petition. Eventually, the Council voted 13 to 8 to deny the petition.

After the meeting, the College issued a public statement declaring: “The transcript of the debate and vote indicate that the decision was made on political grounds. In doing so, Council departed from its own process for reviewing student groups, which at no point identifies a proposed group’s politics as a criterion for review.”

Subsequently, according to the College, it informed the students seeking recognition for WIFI of the alternative path to becoming an RSO. Those students submitted an application on May 13, 2019, and the committee met and approved the application on May 14, 2019.

### *Legal Standard*

The Title VI regulation, at 34 C.F.R. § 100.3(a), provides that no person shall be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under a recipient’s programs or activities on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics.

### *Preliminary Analysis*

Based on OCR’s investigation to date, the Council met twice to discuss recognizing WIFI and, in total, debated its existence for almost three hours. The Council then denied recognition to WIFI and, according to the College, in so deciding the Council “departed from its own process for reviewing student groups.” However, OCR has not completed its investigation into what occurred at the meetings, the Council’s relationship to the College, and the current status of WIFI. Further, OCR acknowledges that the College has taken steps to reverse the decision of the Council, and the College asserts that WIFI is now afforded recognition and privileges equal to that of all other RSOs.

### *Conclusion*

Prior to the conclusion of OCR’s investigation and pursuant to Section 302 of OCR’s *Case Processing Manual*, the College expressed an interest in resolving this complaint and OCR

determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the College resulted in the College signing the enclosed Agreement which, when fully implemented, will address all of the allegations raised in the complaint. OCR will monitor the College's implementation of the Agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the College must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Catherine Deneke at (617) 289-0080 or by e-mail at [Catherine.Deneke@ed.gov](mailto:Catherine.Deneke@ed.gov).

Sincerely,

A rectangular box containing a handwritten signature in blue ink, which appears to read "Michelle Kalka".

Michelle Kalka  
Acting Regional Director

Enclosure

cc: Jamie Art, [jbal@williams.edu](mailto:jbal@williams.edu)