



# PALESTINE LEGAL

April 13, 2021

**VIA EMAIL**

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**Re: Report in Support of Title VI Complaint Against Florida State University**

*“I am a Palestinian-Muslim American. These are things that make me who I am. Things that allow me to see the world from different perspectives and for what it truly is... I will not change my views on reality to comfort someone who has not lived through what I had to.”*

– Ahmad Daraldik, FSU student

Dear Office for Civil Rights,

We write on behalf of Florida State University (“FSU”) senior Ahmad Daraldik. Over the past year, FSU in Tallahassee, Florida has permitted and reinforced a disturbing environment of anti-Palestinian racism that has denied Ahmad equal access to campus life on the basis of his national origin. University officials were well-informed of severe and pervasive anti-Palestinian harassment, but took no steps to end the harassment, prevent it from recurring, or remedy its effects. Rather, they reinforced it.

Ahmad is a Palestinian-American student at FSU who spent a considerable part of his childhood living in Palestine, specifically, the Israeli-occupied West Bank. As an adolescent, Ahmad used social media to reflect on his living conditions. When Ahmad became the FSU Student Senate President in June 2020, students seized upon his social media posts and launched a removal campaign based on the inaccurate anti-Palestinian stereotype that opposition to Israel’s

oppression of Palestinians is anti-Jewish. Ahmad subsequently faced an onslaught of racist harassment and vitriol. As anti-Palestinian lobby groups and politicians joined the fray, Ahmad was vilified, cyberbullied, and made an open target of a state-wide harassment campaign.

As detailed below, Ahmad's efforts to talk about what it was like being Palestinian elicited a response that reached far beyond heated political debate and ballooned into a hostile climate targeting Ahmad based on his ethnicity and national origin.

Since June 2020, Ahmad has continuously been the target of explicit anti-Palestinian contempt such as, "you stupid Palestinians," and "deport him to Gaza!" Those who badgered him made it no secret that their hate resided in a larger container of anti-Arab sentiments. Anti-Palestinian messages were commonly enveloped in derogatory remarks like "dumb ass monkey ass piece of Arab shit," "dirty ass towel heads," and other comments insinuating Ahmad and Arabs are regressive, violent or terrorists.

Ahmad also received a heaping pile of Islamophobic harassment, based on racialized presumptions about his Palestinian and Arab heritage. These comments relied on Islamophobic tropes that Muslims are murderous and particularly averse to Jews: "no tolerance for Islamic advocacy of murder," and "stop the Islamic hate of Jews and Israel." Participants in the recall campaign expressed outrage that a Muslim like Ahmad could "keep[] his seat" as Senate President.

These explicit articulations of deep-rooted bigotry were not isolated instances but were the product of a campaign to remove Ahmad from his seat as Senate President, which was itself driven by anti-Palestinian racism. The campaign attempted to shame Ahmad for sharing his experiences as a Palestinian, by arguing that Palestinians who share or react to their lived realities of violence and oppression at the hands of the Israeli state are antisemitic. The campaign's underlying message repeatedly reinforced the notion that a Palestinian who expresses such experiences is dangerous and unfit to be a student leader on campus.

For Palestinians, a key part of their Palestinian national origin is their and their families' experiences with dispossession, occupation and colonial violence. Expressing Palestinian identity often includes sharing the lived realities that are central to every aspect of life as a Palestinian—like military occupation, apartheid conditions, inequality under the law, and military siege.

FSU's mistreatment of Ahmad ignored both the explicit and implicit displays of anti-Palestinian bigotry. FSU not only disregarded the hostile climate for Ahmad on campus, but also took egregious actions of its own to magnify the injuries. The harassment and the administration's conduct harmed Ahmad's well-being, and severely disrupted his education. It is

clear to Ahmad, and Palestinians like Ahmad, that if they wish to share and react to their experiences as Palestinians, or even exist openly on campus as Palestinian, they will be treated as pariahs and subjected to vitriolic harassment, without redress. This hostile anti-Palestinian climate denied Ahmad access to an equal education free from discrimination.

Based on the facts described here, we urge you to investigate Florida State University for violating its obligations under Title VI of the Civil Rights Act of 1964.

## Table of Contents

<b>I. Legal Standard</b> .....	4
<b>II. Background</b> .....	5
<b>III. Chronology of Severe and Pervasive Anti-Palestinian Harassment</b> .....	6
1. <i>FSU silent while Ahmad endured a campus-wide bullying campaign for sharing his experiences as a Palestinian</i> .....	6
2. <i>FSU gives official stamp of approval to anti-Palestinian rhetoric against Ahmad</i> .....	11
3. <i>FSU stands by while Ahmad smeared by anti-Palestinian groups and Israeli-government-funded app</i> .....	12
4. <i>FSU allows escalation of bullying campaign to a statewide witch-hunt</i> .....	13
5. <i>FSU formally adopts measures to stigmatize Palestinians on campus</i> .....	15
6. <i>FSU students and student government officials bury Ahmad with administrative hurdles</i> .....	16
7. <i>Ahmad is still experiencing an unrectified hostile environment</i> .....	18
<b>IV. The Harassment Targeted Ahmad on the Basis of Protected Identities</b> .....	18
<b>V. Ahmad’s Educational Opportunities Were Severely Interrupted and Harmed</b> .....	21
<b>VI. FSU Was Well-Informed of the Hostile, Anti-Palestinian Environment</b> .....	23
<b>VII. Rather Than Take Remedial Action, FSU Reinforced an Anti-Palestinian Environment at FSU</b> .....	24
1. <i>FSU emboldened anti-Palestinian racism on campus</i> .....	24
2. <i>FSU failed to adequately address Ahmad’s discrimination complaints</i> .....	25
<b>VIII. Conclusion</b> .....	27

## I. Legal Standard

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin by institutions that receive federal financial assistance.<sup>1</sup> A university recipient of federal funding may be found to have violated Title VI in one of two ways: if it commits a discriminatory act of its own, or for permitting a hostile environment, i.e. when harassment by a third party or student is “so severe, pervasive, and objectively offensive that it effectively bars the victim’s access to an education opportunity or benefit.”<sup>2</sup>

A university-recipient that has actual or constructive knowledge of a hostile environment must take prompt and effective steps that are reasonably calculated to end the harassment, eliminate the hostile environment, prevent its recurrence, and remedy its effects, by ensuring that students are not restricted from participation in or benefiting from their educational opportunities as result of a hostile environment.<sup>3</sup> A university that responds with deliberate indifference, or fails to take appropriate responsive action to a known hostile environment violates Title VI and risks losing federal financial assistance.<sup>4</sup>

Title VI protections also encompass discrimination, including harassment, based on a student’s actual or perceived shared ancestry or ethnic characteristics.<sup>5</sup> Thus, Title VI protections extend to students who face discrimination because they are or are perceived to be members of religious groups such as Muslims, Jews, Sikhs, and others. The Department of Education offers examples of action or inaction by school officials that could violate Title VI in this context, including:

During a lesson about 9/11, classmates of a Muslim middle school student call him a terrorist and tell him to go back to his country. The teacher tells the class that only some

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<sup>1</sup> 42 U.S.C. §2000d (1964).

<sup>2</sup> See *Davis ex rel. LaShonda v. Monroe Cty. Bd. Of Educ.*, 526 U.S. 629, 633 (1999). Although *Davis* is a Title IX case, the same legal standards are applied to Title VI enforcement. See, e.g., *Fitzgerald v. Barnstable Sch. Comm.*, 555 U.S. 246, 258 (2009) (“Congress modeled Title IX after Title VI of the Civil Rights Act of 1964, and passed Title IX with the explicit understanding that it would be interpreted as Title VI was.”)

<sup>3</sup> See, e.g., Letter from Melanie Velez, Reg’l Dir., Dep’t of Educ. Office for Civil Rights Region IV to Kathryn LeRoy, Superintendent of Polk County Pub. Schs. at 3 (Mar. 23, 2016) (RE: Case No. 04-14-1664), available at <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/more/04141664-a.pdf>.

<sup>4</sup> 42 U.S.C. § 2000d-1 (1964).

<sup>5</sup> Fact Sheet: Know Your Rights: Title VI and Religion, U.S. Dep’t of Educ. Office for Civil Rights, available at <https://www2.ed.gov/about/offices/list/ocr/docs/know-rights-201701-religious-disc.pdf>.

Muslims are terrorists, and asks the student why Muslims have not denounced the terrorist attacks of 9/11. The student complains to a school official about the statements by his teacher and classmates, but the school official takes no steps to respond.<sup>6</sup>

As detailed below, Ahmad was subjected to a long series of incidents similar to this example. He was called derogatory anti-Palestinian and anti-Muslim names, he was shamed, forced to respond to derogatory stereotypes, and even after he complained, FSU took no steps to support him, and reinforced the attacks against him.

## II. Background

Ahmad Daraldik is a Palestinian-American senior at FSU majoring in International Affairs. He was born in Tallahassee, Florida. When Ahmad was five, he and his family moved back to Palestine, where his family has lived for generations, for a year. After that, he lived in the Israeli occupied West Bank on-and-off between 2005-2014, during which time the Israeli army regularly raided the villages where he was living.

While living under Israeli military occupation, Ahmad was routinely teargassed by the Israeli army as he walked to and from school.<sup>7</sup> When he was 14, the Israeli army shot a tear gas canister through his living room window. As the fumes filled his living room, Ahmad hid in the back of the house, desperately trying to shield his 7-year-old sister, who had asthma, from the gas. When Ahmad turned 14, he and his family permanently moved back to Florida.

When he started at FSU in the fall of 2018, Ahmad got involved with student government believing it was important for Arab and Muslim students to have representation and a voice. This passion for making school a better environment for all students continued when he became a student senator in the spring of his freshman year and later served as Vice Chair and Chair of the Student Life and Academic Affairs Committee.

As a student at FSU, Ahmad has been active with the Center for Academic Retention and Advancement, where he helps underrepresented students of color and students who, like himself, are the first in their families to attend college. In his sophomore year, Ahmad became president of the Arab Student Union. Throughout his college career, Ahmad also worked various part-time

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<sup>6</sup> Fact Sheet: Combating Discrimination Against AANHPI and MASSA Students, U.S. Dep't of Educ. Office for Civil Rights, available at <https://www2.ed.gov/about/offices/list/ocr/docs/aanhpi-massa-factsheet-201606.pdf>.

<sup>7</sup> The West Bank, Gaza Strip and East Jerusalem have been under Israeli military occupation since 1967. Amnesty Int'l, *Destination: Occupation* at 9, Index MDE 15/9490/2019, also available at <https://www.amnesty.org/download/Documents/MDE1594902019ENGLISH.PDF>.

jobs during the week and on weekends. One of his many part time jobs was with the Office of the President.

In his sophomore year at FSU 2020, Ahmad was elected Vice President of the Senate by a popular vote of FSU student senators. In June 2020, then-Senate President Jack Denton was accused of making anti-LGBTQ+ and remarks against the Black Lives Matter movement and was removed by a senate vote of no confidence. Ahmad, along with two other students, ran to replace Denton as Student Senate President. Ahmad won the election, becoming FSU's first Student Senate President of Palestinian origin.<sup>8</sup>

### **III. Chronology of Severe and Pervasive Anti-Palestinian Harassment**

*The following incidents are relayed roughly in chronological order with a few variations in sequence to provide context.*

#### **1. FSU silent while Ahmad endured a campus-wide bullying campaign for sharing his experiences as a Palestinian**

Immediately after Ahmad's election as Senate President was announced on June 5, 2020 anti-Palestinian students began combing through Ahmad's social media history searching for content about Israel which could be used to berate him.<sup>9</sup> On June 8, an FSU student shared an Instagram post of Ahmad standing next to a statue of Nelson Mandela.<sup>10</sup> Ahmad had posted the

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<sup>8</sup> On October 26, 2020, the FSU Student Supreme Court ruled that former Senate President Jack Denton should be reinstated, after Denton filed a preliminary injunction in federal court requesting that he be reinstated as Senate President. Denton v. Daraldik, Case No. 2020-CA-1 (Florida State Univ. Student S. Ct. Oct. 26, 2020), available at <https://sga.fsu.edu/Reporter/2020-CA-1-Denton-v-Daraldik.pdf>; see also Plaintiff's Verified Compl. for Declaratory Judgement, Injunctive Relief, and Damages, Denton v. Thrasher, Case 4:20-cv-00425-AW-MAF (N.D. Fla. 2020) (the federal district court denying the injunction in part, holding that it would not order Denton's reinstatement given that the term was near an end and such a transition would be disruptive).

<sup>9</sup> Palestinian online users, particularly Palestinian students and faculty on college campuses as well as others who support Palestinian rights, are routinely subjected to surveillance of their social media accounts and are common targets of vitriolic hate comments and online doxing. See Alex Kane, "It's Killing the Student Movement": Canary Mission's Blacklist of Pro-Palestine Activists Is Taking a Toll, THE INTERCEPT (Nov. 22, 2018), <https://theintercept.com/2018/11/22/israel-boycott-canary-mission-blacklist/>; see also PALESTINE LEGAL, 2020 Year-In-Review: The Movement Will Not Be Canceled 6-9, [https://palestinelegal.org/s/PalLegal\\_EOYREPORT\\_2020\\_digital.pdf](https://palestinelegal.org/s/PalLegal_EOYREPORT_2020_digital.pdf) (documenting a sharp uptick of smear and harassment campaigns against Palestinians elected to leadership positions while supporting Palestinian equal rights).

<sup>10</sup> The statue of the anti-apartheid activist turned President of South Africa was gifted to the Palestinian people by the City of Johannesburg.

picture in 2019, the summer after his freshman year, when he went to the West Bank to visit his family. He had captioned the picture with “Iconic. #fucktheOccupation #fuckIsrael.”<sup>11</sup>

Students posted statements expressing outrage over Ahmad’s post on various FSU student pages. Some students claimed that his expression of anger with the Israeli state responsible for the military occupation of Palestinians made him “hateful” and disqualified him as a student leader.<sup>12</sup>

On June 9, Ahmad posted on his Facebook page a video explaining why, as a Palestinian, he objected to human rights abuses against Palestinians under military control.<sup>13</sup> Ahmad spoke about what it was like to grow up as a Palestinian living under Israeli military occupation, sharing his experiences of being shot at by Israeli soldiers while walking to school.

In the video, Ahmad explained how, just hours before making the Instagram post, while crossing the Israeli-controlled border between Jordan and the West Bank, armed Israeli soldiers had detained him, his father and sister for six hours in the hot summer sun as they rifled through his personal belongings, as they systemically do to Palestinians entering into the occupied Palestinian territory.

I was humiliated. I was dehumanized. I was upset. So yes, I took a photo with the statue of Nelson Mandela given to my people from the people of South Africa as a symbol of hope to end the apartheid. I made the post on Instagram to release my frustrations about the situation that persecutes my family, my friends, and all those considered second-class humans in our own country.

In the video, Ahmad explained that an intrinsic part of his Palestinian identity are his experiences of dispossession and occupation:

I am a Palestinian-Muslim American. These are things that make me who I am. Things that allow me to see the world from different perspectives and for what it truly is. Getting defamed on a Facebook page due to the fact that I expressed my frustrations with a racist system that continues to commit human rights violations and was created through the genocide of my people – my people, the Palestinian people – is to say the least, upsetting. I was standing for what is right. I will not change my views on reality to comfort someone who has not lived through what I had to.

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<sup>11</sup> Exhibit 1: Ahmad Daraldik (@deeko\_the\_Palestinian), INSTAGRAM (Aug. 12, 2019). Ahmad edited the Instagram caption after attacks targeting him had escalated, removing “#fuckIsrael” and adding “#fucktheillegaloccupation.”

<sup>12</sup> Exhibit 2: [name redacted], Post to *FSU Class Page of 2022 (Official)*, FACEBOOK (June 9, 2020); see also Exhibit 3: [name redacted], Post to *FSU Class Page of 2020*, FACEBOOK (June 11, 2020).

<sup>13</sup> Exhibit 4: Videorecording: Ahmad’s Response to Instagram Post (Ahmad Daraldik 2020).

Ahmad further explained that his experiences with Israeli soldiers and their treatment of Palestinians did not cause him to bear any ill-will to the Jewish community.

I have a right to speak up about violations that go against international law. With that being said, I refuse to accept my disapproval of Israeli policy as a disapproval of the Jewish people. I am *for* the Jewish people as they have also been through racism and harsh times.

Students immediately shamed Ahmad for making the video and alleged that by relating his childhood experiences of violence, he was creating danger for Jewish students. Some students misrepresented the obstacles he described experiencing as a Palestinian, like military checkpoints and discriminatory profiling, and claimed that his retelling was further proof of Ahmad's bigotry and inability to be a student body leader.<sup>14</sup> Students also suggested he was not allowed to compare Palestinian oppression to other cases of oppression in history.<sup>15</sup>

In the following days, students continued to comb through Ahmad's freshly activated Facebook account.<sup>16</sup> On June 11, an FSU student excavated a Facebook post Ahmad had shared seven years prior, in 2013, of an Israeli soldier with his foot on a Palestinian child. As a 12-year-old child living under Israeli occupation, and not understanding the difference between the Jewish people and armed soldiers of Israel, which proclaims itself a "Jewish state," he captioned

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<sup>14</sup> For example, FSU student [name redacted] on Facebook misconstrued and minimized discriminatory policies Palestinians are subjected to and wrote, "[i]'m sorry, I just have a hard time equating getting thoroughly checked in an airport, to a regime that massacred millions of innocent people," and shared a petition to remove Ahmad. *See* Exhibit 3.

<sup>15</sup> For example, FSU student [name redacted] wrote, "[i]'t's kind of sad and to be honest scary that you have a student body president that equates Israel (a Jewish state) with Nazi Germany... please do not disrespect my people and my country by equating it to such horrific acts." *See* Exhibit 2. For explanation on comparisons to Nazi Germany, see Independent Jewish Voices, "How Not to Fight Antisemitism: A Critique of the International Holocaust Remembrance Alliance Working Definition of Antisemitism," (October 2020), *available at* <https://static1.squarespace.com/static/5f52a48dce98340e25350e2/t/5ff2d4e058b964b22eb8f33/1610558799440/IHRA+Report+v1.1.1+-+20201025.pdf> ("Example 10 Drawing comparisons of contemporary Israeli policy to that of the Nazis. This example is very much reliant on context and intent. If it is allowable to compare the situation in the U.S. to the situation in Nazi Germany —and there have been numerous such comparisons published recently, some by notable Holocaust scholars —then it must also be legitimate to make such comparisons regarding Israel. Indeed, many Israelis have made such comparisons themselves. While comparisons with Nazis are often wrong or exaggerated (and rarely wise,) they cannot, in and of themselves, be deemed antisemitic.").

<sup>16</sup> Ahmad deactivated his Facebook account in 2014. He reactivated Facebook in 2020 to post his response video on the FSU Facebook Class Page.



the photo with “stupid jew thinks he is cool” in English.<sup>17</sup> The FSU student posted it to the FSU Class of 2022 Facebook Page.<sup>18</sup>

The next day, on June 12, the student group Noles for Israel released a statement calling for Ahmad’s removal.<sup>19</sup> The group framed Ahmad as someone who, because of his childhood statement, caused “pain and fear.” They argued that because of his experiences with Israeli soldiers, and his reflections about these encounters, it was reasonable to assume he would use his platform in student government to spread hate and bigotry. The statement disingenuously claimed to respect “the fact that [Ahmad] is proud of his nationality,” – while attacking his identity as a Palestinian growing up under Israeli military occupation.

Other students and outside groups circulated petitions calling for Ahmad’s removal.<sup>20</sup> The petitions were circulated on social media and in online newspapers. The petitions did not explicitly identify Ahmad as a Palestinian, a Muslim or an Arab, but signees left Islamophobic and racist comments noting his Muslim identity as a reason for demanding his removal:

- “No tolerance for Islamic advocacy of murder”<sup>21</sup>
- “Stop the Islamic hate of Jews and Israel”<sup>22</sup>
- “It is unamerican at best... institutionalized sharia law at worst!”<sup>23</sup>

Altogether, these petitions garnered over 11,000 signatures from students and non-students.

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<sup>17</sup> The post has since been removed. Ahmad expressed in an interview with FSU News that, in addition to being 12 years old, “I was a resident in Palestine at the time, and I couldn’t differentiate between a Jew, a Zionist and an IDF soldier because of the [military] occupation.” Tamia Streeter, *FSU students petition for the removal of Student Senate President over anti-Semitic posts*, FSUNews (June 22, 2020), <https://eu.fsunews.com/story/news/2020/06/21/fsu-students-petition-removal-student-senate-president-over-anti-semitic-posts/3232810001/>.

<sup>18</sup> Exhibit 5: [name redacted], Post to *FSU Class Page of 2022 (Official)*, FACEBOOK (June 9, 2020).

<sup>19</sup> Noles for Israel, *Call for Resignation*, FACEBOOK (June 12, 2020), <https://www.facebook.com/NolesForIsrael/posts/4048674198539304>.

<sup>20</sup> *Remove Ahmad Daraldik from FSU Student Senate*, CHANGE.ORG (last visited Apr. 9, 2021), <https://www.change.org/p/florida-state-university-remove-ahmad-eldeek-from-fsu-student-senate>; see also CONDEMN AHMAD, <https://www.condemnahmad.com/> (last visited Apr. 9, 2021); see also *Add your name! Counter antisemitism at Florida State!*, ALUMNS FOR CAMPUS FAIRNESS (last visited Apr. 9, 2020), <https://www.campusfairness.org/action/?floridastate>.

<sup>21</sup> Exhibit 6: Comment made by [name redacted] on a petition to remove Ahmad published by Change.org.

<sup>22</sup> Exhibit 7: Comment on Change.org petition to remove Ahmad made by [name redacted].

<sup>23</sup> Exhibit 8: Comment on Change.org petition to remove Ahmad made by [name redacted].

Throughout this time, and while Ahmad was trying to focus on his studies, he received a mass of racist anti-Palestinian, misogynistic and Islamophobic messages sent directly to him and on his social media feeds. These messages include:

- “Dumb ass monkey ass piece of Arab shit.. nothing is different with you dirty ass towel heads always hating Israel and everyone else who isn’t dirt scum like you animals. Hope your credentials are ruined for your whole life”<sup>24</sup>
- “FSU Senate President Ahmad Daraldik must be chastised (castrated) immediately & deported to a Muslim country of his choice – Syria, Iran, France, etc.”<sup>25</sup>
- “Stupid ass sharmuta [whore] . . . Israel supplies all you stupid Palestinians with water and electricity”<sup>26</sup>
- “What is so bad abt the Israeli occupation . . . where do u think ur fucking water comes from. Till the end of time we will see the 6 pointed star fly high as a reminder that you are a failure”<sup>27</sup>
- “Not only [expulsion] deport him to Gaza!”<sup>28</sup>
- “... they [Israel] do not want some piece of fucking garbage terrorist to come and blow up all the historical sites.”<sup>29</sup>
- “Antisemitic pig [pig emoji]”<sup>30</sup>
- “Who’s the raisin?”<sup>31</sup>

Some messages also tagged the social media accounts of Ahmad’s immediate and extended family members, revealing the extent to which bullies searched through Ahmad’s accounts and relations.<sup>32</sup> His social media inboxes were flooded with bullying messages.<sup>33</sup>

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<sup>24</sup> Exhibit 9: Direct Message on Instagram from [name redacted] to Ahmad Daraldik.

<sup>25</sup> Exhibit 10: Comment underneath an article published by The Jewish Journal made by [name redacted].

<sup>26</sup> Exhibit 11: Direct Message on Instagram from [name redacted] to Ahmad Daraldik. *Sharmuta* means whore in Arabic and is also used in Hebrew-speaking Israeli populations.

<sup>27</sup> Exhibit 12: Direct Message on Instagram from [name redacted] to Ahmad Daraldik.

<sup>28</sup> Exhibit 13: Comment on Instagram made by [name redacted].

<sup>29</sup> Exhibit 14: Comment on Instagram made by [name redacted] to a post sharing Ahmad’s video.

<sup>30</sup> Exhibit 15: Comment on Instagram from [name redacted] to Ahmad Daraldik. The comment and pig emoji are in reply to a photo Ahmad posted of his cousin, who wears a Muslim headscarf. The pig emoji has been derogatorily used against Muslims who abstain from pork.

<sup>31</sup> Exhibit 16: Comment on Instagram made by [name redacted]. This individual left a comment in response to an Instagram photo of Ahmad mourning his late grandmother who wears a Muslim headscarf and has brown skin.

<sup>32</sup> The BDS Report, an online website that maintains and publishes dossiers on speakers who advocate for Palestinian rights, commented on its own Instagram feed about Ahmad, writing, “[d]oes Ahmad spread this same Jew-hatred and false propaganda at home too?” The post tagged Ahmad and several of his family members, such as aunts and cousins. See Exhibit 17: The BDSReport (@BDSReport), INSTAGRAM (June 11, 2019).

<sup>33</sup> See generally Exhibit 18: Compilation of Social Media Messages.

Elected officials in Florida also contributed to the growing hostile environment on campus. On June 17, Florida State Representative Mike Caruso sent a letter to the FSU Student Body Senate, calling on the Senate, through its impeachment procedure, to take action against Ahmad.<sup>34</sup> Senate advisor and FSU employee Dr. Danielle Acosta displayed Rep. Caruso's letter at the senate session later that day.<sup>35</sup> Shortly afterwards, a student senator made a motion for a vote of no confidence against Ahmad. The motion was seconded and over the course of four hours, dozens of senators and students debated whether Ahmad had a right to speak about realities shaping his Palestinian identity.<sup>36</sup>

The vote of no confidence – which must garner a two-thirds majority to pass – failed.<sup>37</sup> Another petition started by an FSU student urging a second vote circulated online and garnered over 10,000 signatures of students and non-students.<sup>38</sup> The first comment in the petition complained that “a Muslim keeps his seat.”

FSU took no action and made no statements in response to these attacks on Ahmad.

## 2. FSU gives official stamp of approval to anti-Palestinian rhetoric against Ahmad

Rather than ensuring Ahmad's well-being in the face of harassment and violent threats and calling for an end to an escalating bullying campaign, the Florida State University administration lent official approval to attacks against Ahmad.

On June 18, the day after the vote of no confidence failed, President John Thrasher released a statement condemning Ahmad's criticism of Israel in response to the complaints about Ahmad: “I am aware of a controversy involving the FSU Student Senate President who has posted offensive **anti-Israel rhetoric online**.”<sup>39</sup> Several hours later, the language “anti-Israel”

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<sup>34</sup> Rep. Caruso has supported and introduced bills in the past that censor speech critical of Israeli policies expressed by Palestinians and allies in support of Palestinian rights. See Jerry Iannelli, *Bill Would Label Criticism of Israel in Florida Schools as “Anti-Semitic,”* MIAMI NEW TIMES (Jan. 23, 2019), <https://www.miaminewtimes.com/news/rep-mike-caruso-proposes-florida-bill-to-crack-down-on-anti-israel-speech-in-schools-11055963>.

<sup>35</sup> Exhibit 19: Letter from Mike Caruso, Florida State Rep., to Danielle Acosta, Interim Dir. of Student Engagement, and Florida State Univ. Student Body Senate (June 17, 2020).

<sup>36</sup> Florida State University, *SGA Senate Meeting Recording 1*, ZOOM (June 17, 2020) (link no longer available).

<sup>37</sup> Nineteen senators voted in favor of removal and 16 against, with 6 abstentions.

<sup>38</sup> *Vote of No Confidence Fails- Ahmad Daraldik remains in office.*, CHANGE.ORG (June 18, 2020), <https://www.change.org/p/florida-state-university-remove-ahmad-eldeek-from-fsu-student-senate/u/27033573>.

<sup>39</sup> Although the original language is no longer on FSU's website, FSU acknowledged that it had altered the statement. See Exhibit 20: Report from Brandice Dickson, Pennington Law attorney, to Lisa Scoles, Deputy General Couns., Florida State Univ. at 10 (Re: Investigation of Complaints by Ahmad Daraldik) (Feb. 8, 2021).

was deleted and replaced with “anti-Semitic,” to read “I am aware of a controversy involving the FSU Student Senate President who has posted offensive **anti-Semitic rhetoric online.**”<sup>40</sup> The swift change was likely an attempt to appease social media users who were upset about the school’s description of Ahmad’s speech as critiquing Israel the nation-state.<sup>41</sup>

FSU’s altered statement erroneously conflated criticism of Israel (a nation-state) and its policies, with antisemitism (a hatred towards Jewish people, as Jews, based on their religion or perceived shared ethnic origin). This statement inaccurately branded Ahmad and lent public credence to stereotypical notions that Muslims harbor a so-called “Islamic hate of Jews,” and that Palestinian accounts of or reactions to Israel’s oppression are necessarily inspired by anti-Jewish feelings.

On June 19, the next day, FSU initiated an investigation of Ahmad, with the implication of potential penalties, likely based on this conflation of anti-Zionism and antisemitism. Nicole DiBartolo Mahé, the Assistant Director of Student Conduct and Community Standards (“SCCS”)—the FSU office responsible for student disciplinary matters— informed Ahmad via email that FSU received information “related to recent events which are of concern” and that she had scheduled a meeting for June 23.<sup>42</sup> After some confusion over the Zoom link, FSU ultimately did not pursue the matter.

Alarmed that he could be in trouble for his childhood and more recent posts sharing what he experienced as a Palestinian under military occupation, Ahmad texted President Thrasher on June 19 and asked to talk. On the call, Ahmad asked whether FSU would punish him given the notice from the administrative disciplinary office. President Thrasher told Ahmad that “we’re not going to expel you,” but added that Thrasher was facing enormous public pressure and had been spending considerable time talking to people who were upset over FSU’s lack of action against Ahmad for his posts.

### **3. FSU stands by while Ahmad smeared by anti-Palestinian groups and Israeli-government-funded app**

Off-campus, anti-Palestinian groups intensified the push to remove Ahmad for expressing his reactions to his lived reality as a Palestinian. StopAntisemitism.org, a blacklisting website

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<sup>40</sup> *A message from President John Thrasher: Anti-Semitism and religious discrimination*, FLORIDA STATE UNIVERSITY NEWS (June 18, 2020), <https://news.fsu.edu/news/university-news/2020/06/18/a-message-from-president-john-thrasher-anti-semitism-and-religious-discrimination/>.

<sup>41</sup> Exhibit 21: Tweet replies to President Thrasher (@FSUPresThraser).

<sup>42</sup> Exhibit 22: Letter from Nicole DiBartolo Mahé, Asst. Dir., Student Conduct and Cmty. Services, to Ahmad Daraldik (June 19, 2020).

with Islamophobic and anti-Palestinian content, called for Ahmad’s expulsion.<sup>43</sup> The Centre for Research of Radicalism and National Security, a shadowy Islamophobic website, branded Ahmad “Anti-Semite of the Week.”<sup>44</sup> On June 19, StandWithUs (“SWU”), a right-wing pro-Israel group with a history of attacking Palestine advocates<sup>45</sup>, threatened FSU with legal action if the University did not take immediate steps to remove Ahmad from elected office.<sup>46</sup>

At the same time, an Israeli government-funded mobile app called “Act.il”— with ties to Israeli intelligence and military<sup>47</sup>— prompted users to apply further pressure and report Ahmad to the FSU administration and demand that he be punished and removed.<sup>48</sup> In an effort to make complaints to FSU appear natural, the app instructed users to send FSU “personal and authentic” comments on FSU’s Facebook Page and urged them: “please do not copy paste” the talking points provided.

#### 4. FSU allows escalation of bullying campaign to a statewide witch-hunt

In a June 23 discussion over Twitter, State Representative Chip LaMarca raised the possibility of withholding state funds to FSU and urged donors to withdraw funding if FSU did not remove Ahmad from his position.<sup>49</sup> On June 25, the Florida Legislature Jewish Caucus sent President Thrasher a letter calling for Ahmad to step down.<sup>50</sup>

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<sup>43</sup> StopAntisemitism.org (@StopAntisemites), TWITTER (June 11, 2020), <https://twitter.com/StopAntisemites/status/1271126343397175297>.

<sup>44</sup> *Anti-Semite of the Week: Ahmad Daraldik – Florida State’s Jew Hating Student Senate President*, CENTRE FOR RESEARCH OF RADICALISM AND NATIONAL SECURITY (June 23, 2020), <http://researchantisemitism.ca/antisemite-week-ahmad-daraldik-florida-states-jew-hating-student-senate-president/>.

<sup>45</sup> See Corrected Brief for Jewish Voice for Peace, Palestine Solidarity Legal Support, National Lawyers Guild et al. as Amici Curiae Supporting Respondents p. 5-11, *Davis v. Cox* 183 Wn.2d 269 (2015) (No. 90233-0), [https://ccrjustice.org/sites/default/files/attach/2014/12/2014-12-19\\_Davis\\_JVP-PSLS-Corrected-Amicus-Brief.pdf](https://ccrjustice.org/sites/default/files/attach/2014/12/2014-12-19_Davis_JVP-PSLS-Corrected-Amicus-Brief.pdf); see also Maria LaHood, *Legal Bullying May Chill Speech, But Ultimately Cannot Stop a Movement*, CENTER FOR CONSTITUTIONAL RIGHTS (June 17, 2015), <https://ccrjustice.org/home/blog/2015/06/17/legal-bullying-may-chill-speech-ultimately-cannot-stop-movement>.

<sup>46</sup> Letter from Roz Rothstein, CEO and Co-Founder Dir., StandWithUs, Yael Lerman, Dir., StandWithUs Saidoff Legal Dep’t., and Carly Gammill, Dir., StandWithUs Ctr. For Combating Antisemitism, to John E. Thrasher, President, Florida State Univ. and Florida State Univ. Bd. of Trustees (June 18, 2020), available at <https://www.standwithus.com/post/standwithus-response-to-antisemitism-at-fsu>.

<sup>47</sup> Daniel Lark, *Call of Duty*, JEWISH CURRENTS (Aug. 10, 2020), <https://jewishcurrents.org/call-of-duty/>.

<sup>48</sup> Behind Israel’s Troll Army (@AntiBDSApp), TWITTER (June 24, 2020), <https://twitter.com/AntiBDSApp/status/1275872002402922497>.

<sup>49</sup> Chip LaMarca (@ChipLaMarca), TWITTER (June 23, 2020), <https://twitter.com/ChipLaMarca/status/1275382318795051008>.

<sup>50</sup> Exhibit 23: Letter from the Jewish Caucus, The Florida Legislature, to President Thrasher, Florida State Univ. (June 25, 2020); see also Renzo Downey, *Florida Legislative Jewish Caucus leaders denounce FSU Student Senate President’s Comments*, FLORIDA POLITICS (June 23, 2020),

Around the same time, the Florida Division of Emergency Management Director Jared Moskowitz took time away from his primary responsibility of directing Florida’s COVID-19 response and called on FSU to remove Ahmad from his position, even as COVID-19 rates in Florida skyrocketed and affected Ahmad’s own family.<sup>51</sup> Moskowitz also called President Thrasher on the phone to personally relay his thoughts about Ahmad.<sup>52</sup>

On July 15, State Representatives Richard Stark and Emily Slosberg, without giving notice, attended an FSU student senate Zoom session to support a resolution adopting the IHRA working definition of antisemitism (described below in sub-section 5). The resolution, in addition to conflating antisemitism with anti-Zionism to mute Palestinian perspectives of Israel’s oppression, singled Ahmad out and asserted that he had caused “deep hurt and fear.”<sup>53</sup> There was also a dispute over Ahmad’s decision, backed by the senate, not to make a special exception to parliament precedent to yield time to Reps. Stark and Slosberg.<sup>54</sup> At the end of the debate on the resolution, Rep. Stark told the student senate they should vote for the resolution and that “... we [Florida House of Representatives] also control the funding of the school and I am not pleased by what I am hearing tonight.”<sup>55</sup> The senate passed the resolution that night.

Emergency Management Director Moskowitz again joined the fray, tweeting a message at FSU’s official twitter account stating, “WTF is going on at [@floridastate](https://twitter.com/floridastate).”

On July 16, the City of Aventura in Florida—a city 470 miles away from FSU—called on FSU to remove Ahmad as Senate President because of his childhood posts about Israel’s military

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<https://floridapolitics.com/archives/342844-jewish-legislative-caucus-leaders-denounce-fsu-student-senate-presidents-comments>.

<sup>51</sup> Jared MASKowitz (@JaredEMoskowitz), TWITTER (June 20, 2020).

<https://twitter.com/JaredEMoskowitz/status/1274408152923062273>.

<sup>52</sup> See Exhibit 20: Report from Investigation of Complaints by Ahmad Daraldik at 9.

<sup>53</sup> Resolution 59, 72<sup>nd</sup> Student Senate (passed July 15, 2020), <https://sga.fsu.edu/archives/72nd-Senate/resolutions/07.21.20-resolution59.pdf>.

<sup>54</sup> Jared MASKowitz (@JaredEMoskowitz), TWITTER (July 15, 2020),

<https://twitter.com/JaredEMoskowitz/status/1283552911268683780>. Student senate officials requested that State Reps. Stark and Slosberg be yielded time to speak towards the beginning of the session. Ahmad believed that senate precedent required guest speakers to give advanced notice before requesting to address the senate and that guest speakers ordinarily do not comment on internal student affairs without such notice. After conferring with the Interim Parliamentarian for the best course of action, Ahmad agreed to follow precedent and not make a special exception to yield senate time to politicians. Another student senator made a motion to overrule Ahmad’s decision, but it failed to garner the two-thirds majority vote required. Eighteen people voted to uphold Ahmad’s decision, and 16 voted in favor of overruling the decision. There were 6 abstentions.

<sup>55</sup> Florida State University, *SGA Senate Meeting Recording 1*, ZOOM at 2:33:37 (July 15, 2020), available at [https://fsu.zoom.us/rec/play/vJx8JriH\\_W83HNORtASDBPZ7W47vev2s13Id-EFxRqzVSQGO1HwZeEUYuu7zWr9dwYNaTvkH8wExkSE?continueMode=true&xzmrtaid=vSwAiaJzQV2D9V6aR5967Q.1595284440778.97d34dee1d6e4877533bfc1fa0618869&xzmrhtaid=48](https://fsu.zoom.us/rec/play/vJx8JriH_W83HNORtASDBPZ7W47vev2s13Id-EFxRqzVSQGO1HwZeEUYuu7zWr9dwYNaTvkH8wExkSE?continueMode=true&xzmrtaid=vSwAiaJzQV2D9V6aR5967Q.1595284440778.97d34dee1d6e4877533bfc1fa0618869&xzmrhtaid=48).



violence against Palestinians.<sup>56</sup> On August 6, the City of Hallandale Beach passed a resolution similarly denouncing Ahmad and urging President Thrasher to remove him from his position.<sup>57</sup> The resolution was introduced by Commissioner Anabelle Lima-Taub, who had previously displayed anti-Palestinian, Islamophobic bigotry in 2019.<sup>58</sup> Lima-Taub wrote on Facebook that Representative Rashida Tlaib, a Palestinian-Muslim congresswoman, might become a “martyr and blow up Capitol Hill.”

Not only did FSU stand aside as elected officials bullied Ahmad, but President Thrasher reinforced it. On July 16, President Thrasher sent Ahmad a letter focusing on his decision declining time to Reps. Stark and Slosberg at the July 15 meeting, despite the student senate electing not to override Ahmad. Failing to recognize that Ahmad had made this decision in the midst of defending himself against pervasive anti-Palestinian harassment that evening, President Thrasher wrote that he expressed “profound disappointment” in Ahmad, that he had “lost all faith” in him as a student leader, and that Ahmad’s actions “reflect poorly on [Ahmad] as an individual.”<sup>59</sup> In a letter exhibiting classic victim blaming, President Thrasher rebuked Ahmad’s actions as “unbecoming.”

President Thrasher sent the letter to Ahmad after privately meeting with Rep. Stark, a former colleague of President Thrasher’s from when he served in the state legislature.

## **5. FSU formally adopts measures to stigmatize Palestinians on campus**

On August 12, President Thrasher issued a statement stating that FSU would “recognize” the controversial IHRA working definition of antisemitism and its contemporary examples.<sup>60</sup> The IHRA working definition is a distorted redefinition of antisemitism that encompasses

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<sup>56</sup> Jason Delgado, *Florida city adopts resolution calling on FSU President John Thrasher to remove student government leader*, FLORIDA POLITICS (July 16, 2020), <https://floridapolitics.com/archives/349821-south-florida-city-adopts-resolution-calling-on-fsu-president-john-thrasher-to-remove-student-government-leader>.

<sup>57</sup> Jason Delgado, *Second Florida city adopts resolution urging John Thrasher to remove student government leader*, JEWISH JOURNAL (Aug. 6, 2020), <https://floridapolitics.com/archives/355511-second-florida-city-adopts-resolution-urging-john-thrasher-to-remove-student-government-leader>.

<sup>58</sup> *Florida commissioner reprimanded for saying Muslim Congresswoman might “blow up Capitol Hill”*, WTXL TALLAHASSEE (Jan. 24, 2019), [https://www.wtxl.com/ap/florida-commissioner-reprimanded-for-saying-muslim-congresswoman-might-blow-up/article\\_9a0aab98-2007-11e9-a631-77658505ec27.html](https://www.wtxl.com/ap/florida-commissioner-reprimanded-for-saying-muslim-congresswoman-might-blow-up/article_9a0aab98-2007-11e9-a631-77658505ec27.html).

<sup>59</sup> Exhibit 24: Letter from John E. Thrasher, President, Florida State Univ., to Ahmad Daraldik, Student Senate President (July 16, 2020).

<sup>60</sup> *A message from President John Thrasher: An Update on Anti-Semitism and Religious Discrimination*, FLORIDA STATE UNIVERSITY NEWS (Aug. 12, 2020), <https://news.fsu.edu/news/university-news/2020/08/12/a-message-from-president-john-thrasher-an-update-on-antisemitism-and-religious-discrimination/> (citing to *Working Definition & Charters*, INTERNATIONAL HOLOCAUST REMEMBRANCE ALLIANCE (last visited Apr. 5, 2021), <https://www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism>).

virtually all criticism of Israel, and has been widely criticized, even by its own drafter, as a violation of campus free speech, and inappropriate for a campus environment.<sup>61</sup> It incorrectly and dangerously conflates legitimate criticism of the Israeli government with antisemitism, focusing seven out its eleven “contemporary examples” of antisemitism on what Palestinians and their allies can or cannot say about Israel, the state which controls their lives.

The most vocal proponents of the IHRA redefinition openly support its use as a censorship tool and routinely wield it to silence Palestinian human rights advocates—especially Palestinian academics and students.<sup>62</sup>

Despite pleas from other Palestinian students that, “[a]s a Palestinian this definition will lead to my direct implication as an antisemite for simply criticizing a state that is committing crimes against my community,” Ahmad and other Palestinian students who oppose Israel’s violence against them and their families were now officially stigmatized by FSU.<sup>63</sup>

Anti-Palestinian student groups at FSU used the administration’s latest endorsement to renew the campaign to remove Ahmad, and to retroactively apply these measures against him.<sup>64</sup>

## **6. FSU students and student government officials bury Ahmad with administrative hurdles**

Unable to remove Ahmad through democratic processes, students disapproving of Ahmad’s open expression of Palestinian identity resorted to misusing administrative complaint processes to punish him.

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<sup>61</sup> See PALESTINE LEGAL, *Distorted Definition: Redefining Antisemitism to Silence Advocacy for Palestinian Rights*, <https://palestinelegal.org/distorted-definition#human-impact>; see also Kenneth S. Stern, *Will Campus Criticism of Israel Violate Federal Law?*, NEW YORK TIMES (Dec. 12, 2016), <https://www.nytimes.com/2016/12/12/opinion/will-campus-criticism-of-israel-violate-federal-law.html>. Since its promotion, IHRA has provoked numerous responses, including an alternative definition signed by over 200 Jewish scholars that explicitly rebuts IHRA’s effort to associate all criticism of Israel as antisemitic, known as the Jerusalem Declaration on Antisemitism, as well as a statement by progressive Jewish organizations around the world outlining “Principles for Dismantling Antisemitism”. See THE JERUSALEM DECLARATION ON ANTISEMITISM, <https://jerusalemdeclaration.org/> (last visited Apr. 11, 2021); see also *Principles for Dismantling Antisemitism: A Progressive Jewish Response to the Jerusalem Declaration*, JEWISH VOICE FOR PEACE (Apr. 5, 2021), <https://jewishvoiceforpeace.org/jerusalem-declaration/>.

<sup>62</sup> See PALESTINE LEGAL, *Backgrounder on Efforts to Redefine Antisemitism as a Means of Censoring Criticism of Israel*, <https://palestinelegal.org/redefinition-efforts>.

<sup>63</sup> Florida State University, *SGA Senate Meeting Recording I*, ZOOM at 59:20 (July 15, 2020), available at [https://fsu.zoom.us/rec/play/vJx8Jrih\\_W83HNORtASDBPZ7W47vev2s13Id-  
EFxRqzVSQGO1HwZeEUYuu7zWr9dwYNatVvkH8wExkSE?continueMode=true&xzm\\_rtaid=vSwAiaJzQV2D9V6aR5967Q.1595284440778.97d34dee1d6e4877533bfc1fa0618869&xzm\\_rhtaid=48](https://fsu.zoom.us/rec/play/vJx8Jrih_W83HNORtASDBPZ7W47vev2s13Id-EFxRqzVSQGO1HwZeEUYuu7zWr9dwYNatVvkH8wExkSE?continueMode=true&xzm_rtaid=vSwAiaJzQV2D9V6aR5967Q.1595284440778.97d34dee1d6e4877533bfc1fa0618869&xzm_rhtaid=48).

<sup>64</sup> Noles For Israel at FSU (@nolesforIsrael), *Why FSU’s Senate President Must Step Down*, INSTAGRAM (July 24, 2020), <https://www.instagram.com/p/CDCAysnltGr/>.



On July 7, an FSU student petitioned the Student Supreme Court to recommend that Ahmad be permanently removed as president, citing the video in which Ahmad explains what, as a Palestinian, he must go through under occupation, as a basis for removal.<sup>65</sup> The petition was unsuccessful.

On October 5, Attorney General Kelvin Ready filed a complaint against Ahmad based on the dispute in the July 15 senate session regarding whether to yield speaking time to politicians. At the meeting, Ready requested that Ahmad let the Florida officials speak "less [sic] we end up before the Student Supreme Court."<sup>66</sup> Ahmad responded, "I don't appreciate the threats," and thanked the Attorney General for his statement.

Ready filed a complaint against Ahmad, claiming that Ahmad's comment ("I don't appreciate the threats") spread false and misleading information about Ready.<sup>67</sup> On November 9, the Student Supreme Court absurdly found in favor of Ready, holding that Ahmad's statement constituted "false charges" against another student government official.<sup>68</sup> The Student Supreme Court accordingly suspended Ahmad from SGA Student Senate for the remainder of the 2020-2021 academic year and prohibited him from holding office "in the future," despite his intention to remain in public service.<sup>69</sup> FSU Vice President for Student Affairs Amy Hecht later overturned the Student Supreme Court's decision on December 18, 2020.<sup>70</sup> However, the decision came too late, as the ban on holding office prohibited Ahmad from re-running as Senate President since the election had taken place the month before.

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<sup>65</sup> Pinto v. Daraldik, Order of Dismissal (Florida State Univ. Student S. Ct. Nov. 9, 2020), *available at* <https://sga.fsu.edu/Reporter/2020-Admin-8-Order-of-Dismissal.pdf>.

<sup>66</sup> Florida State University, *SGA Senate Meeting Recording I*, ZOOM (July 15, 2020), *available at* [https://fsu.zoom.us/rec/play/vJx8Jrih\\_W83HNORtASDBPZ7W47vev2s13Id-  
EFxRqzVSQGO1HwZeEUYuu7zWr9dwYNaTvkh8wExkSE?continueMode=true&xzm\\_rtaid=vSwAiaJzQV2D9V6aR5967Q.1595284440778.97d34dee1d6e4877533bfc1fa0618869&xzm\\_rhtaid=48](https://fsu.zoom.us/rec/play/vJx8Jrih_W83HNORtASDBPZ7W47vev2s13Id-EFxRqzVSQGO1HwZeEUYuu7zWr9dwYNaTvkh8wExkSE?continueMode=true&xzm_rtaid=vSwAiaJzQV2D9V6aR5967Q.1595284440778.97d34dee1d6e4877533bfc1fa0618869&xzm_rhtaid=48).

<sup>67</sup> Exhibit 25: Pl.'s Verified Compl. for Declaratory J. and Injunctive Relief, Ready v. Daraldik (Florida State Univ. Student S. Ct. Oct. 5, 2020).

<sup>68</sup> Ready v. Daraldik, Case No. 20202-CA-4 (Florida State Univ. Student S. Ct. Nov. 9, 2020), *available at* <https://sga.fsu.edu/Reporter/2020-CA-4-Ready-v-Daraldik.pdf>.

<sup>69</sup> The Student Supreme Court found Ahmad in violation of Student Body Statute 205.6(A)(2), which restricts one's participation in SGA if found guilty of violating two or more provisions. SBS §205.6(A)(2). The Student Supreme Court earlier found against Ahmad in the Denton v. Daraldik case on October 26, 2020. *See* Denton v. Daraldik, Case No. 2020-CA-1 (Florida State Univ. Student S. Ct. Oct. 26, 2020), *available at* <https://sga.fsu.edu/Reporter/2020-CA-1-Denton-v-Daraldik.pdf>. Ahmad appealed the court's decision in *Denton* on November 9, and in *Ready* on November 10.

<sup>70</sup> Exhibit 26: Ready v. Daraldik, Appeals Decision, Case No. 20202-CA-4 (The Florida State University Division of Student Affairs, Dec. 18, 2020).

## 7. Ahmad is still experiencing an unrectified hostile environment

As Ahmad struggled with the ongoing effects of a hostile atmosphere, he strived to reclaim his identity by introducing student senate measures safeguarding Palestinians on campus.

On February 10, 2021, Ahmad reintroduced a measure to rescind the student senate's adoption of the IHRA definition believing it made it extremely difficult to talk about being Palestinian on campus. Students jeered and ridiculed Ahmad during the meeting.<sup>71</sup> A student claimed Ahmad introduced the resolution "to get back" at students, and stated, "this is starting to feel like a hydra— you cut off one head, two more are going to take its place."<sup>72</sup> He further remarked "kill the beast before it multiplies," even though Ahmad will "keep trying."<sup>73</sup>

Vice President for Student Affairs Amy Hecht was present at the senate meeting and did not address any of these remarks.

Ahmad has since remained a target of online doxing. Canary Mission, an anonymous blacklisting website that promotes hateful and racist harassment of Palestinians, also created a dossier smearing Ahmad.

He continues to receive racist Islamophobic and violent messages. For example, on March 18, Ahmad was tagged on an Instagram post that stated, "kill all the Muzlims, u fuckin with it?? Lets go hunt and kill sum muzzlits nig."<sup>74</sup>

## IV. The Harassment Targeted Ahmad on the Basis of Protected Identities

Campus debates, even when heated or tense, about Palestine/Israel or any other nation are constitutionally protected political speech. Standing alone, speech critical of a nation-state or a political movement cannot amount to actionable harassment under Title VI. The Office for Civil Rights (OCR) has noted that, "[i]n the university environment, exposure to such robust and discordant expressions, even when personally offensive and hurtful, is a circumstance that a

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<sup>71</sup> For example, senate decorum requires senators not to reference one another by name or gesture. But in this case students sarcastically erred to identify Ahmad as the sponsor of the bill and mock him. See Florida State University, *SGA Senate Meeting Recording 1* at 39:45, ZOOM (Feb. 10, 2021), available at [https://fsu.zoom.us/rec/play/vkCHE4IKq9WhKp2m52HHYn6Ke\\_yI2EuRS87HaNMfP9zq\\_bZalQeuW1OVFCSgfwT0JFYDe4z3wvHglZgs.954Z1MryYyf50gKZ](https://fsu.zoom.us/rec/play/vkCHE4IKq9WhKp2m52HHYn6Ke_yI2EuRS87HaNMfP9zq_bZalQeuW1OVFCSgfwT0JFYDe4z3wvHglZgs.954Z1MryYyf50gKZ) ("how dare the sponsor of Resolution 17—oops!", mocking the error and sarcastically signaling embarrassment, "I mean [emphasis added] senator from undergraduate studies seat 4...").

<sup>72</sup> *Id.*

<sup>73</sup> *Id.*

<sup>74</sup> Exhibit 27: Caption on Instagram made by [name redacted].

reasonable student in higher education may experience.”<sup>75</sup> Student leaders like Ahmad should expect that “expressions on matters of public concern” will inevitably invite heated forms of political debate and public criticism, and “do not constitute actionable harassment.”<sup>76</sup>

Ahmad’s speech describing his experiences under military occupation, and his vocal objection to such conditions, are examples of constitutionally protected political speech. Similarly, Ahmad’s critics engaged in First Amendment protected activity when they expressed disagreement with Ahmad and defended Israel’s policies.

However, the harassment targeting Ahmad went far beyond protected political speech and debate and ballooned into a hostile environment targeting Ahmad’s Palestinian national origin as well as his perceived Muslim religion and ethnicity.

Dozens of statements from multiple actors – both on and off campus – insisted Ahmad was unfit to be a student leader because he described his life experiences as a Palestinian and advocated for Palestinian equality. While some of Ahmad’s critics may have been motivated by political disagreement with Ahmad’s positions – which would likely be protected speech – many of the attacks demonstrate an implicit racist and false logic, namely that a Palestinian Muslim who discusses his life experience and identity does so with antisemitic or violent intent, rather than to call out the unfair oppression of his people or a desire for freedom, equality, and human rights that Israel systematically denies.<sup>77</sup> The petitions for removal, student government debates,

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<sup>75</sup> Letter from Zachary Pelchat of OCR to Chancellor Robert Birgeneau of UC Berkeley at 1 (Aug. 19, 2013) (RE: Case No. 09-12-2259), available at <https://news.berkeley.edu/wp-content/uploads/2013/08/DOE.OCR.pdf>.

<sup>76</sup> *Id.*

<sup>77</sup> Israel was itself violently founded on Palestinian land, which, in order to create a “Jewish state,” it has gradually emptied of its indigenous Palestinian (Muslim, Christian, and other) inhabitants and replaced with Jews from all over the world. Illan Pappé, *The 1948 Ethnic Cleansing of Palestine* 36(1) at 6-20 (2006), available at <https://www.jstor.org/stable/10.1525/jps.2006.36.1.6?seq=1>. This is a colonial process that is still ongoing today, and one which has necessitated dehumanizing one people in order to elevate the other’s status. See *A regime of Jewish supremacy from the Jordan River to the Mediterranean Sea: This is Apartheid*, B’TSELEM (Jan. 21, 2021), [https://www.btselem.org/publications/fulltext/202101\\_this\\_is\\_apartheid](https://www.btselem.org/publications/fulltext/202101_this_is_apartheid). Israeli laws grant different sets of legal rights to Palestinians and Jewish Israelis on the basis of these characteristics. See *The Discriminatory Laws Database*, ADALAH (Sept. 25, 2017), available at <https://www.adalah.org/en/content/view/7771>. These policies often limit Palestinians’ access to water, resources, and healthcare due to a Palestinian’s ethnic background, which has spurred international scrutiny against Israel. See United Nations Economic and Social Comm. for Western Asia, *Israeli Practices towards the Palestinian People and the Question of Apartheid*, U.N. Doc E/ESCWA/ECRI/2017/1 (2017), available at <https://oldwebsite.palestine-studies.org/sites/default/files/ESCWA%202017%20%28Richard%20Falk%29%2C%20Apartheid.pdf>. High-level Israeli officials have candidly asserted how the state considers Palestinians under its control less than human. Israeli government minister Rafael Eitan called Palestinians “drugged cockroaches in a bottle.” See Steven Erlanger, *Rafael Eitan, 75, Ex-General and Chief of Staff in Israel, Dies*, THE NEW

cyberbullying messages, and University statements constitute attacks on Ahmad's identity and his ability to reflect on his experiences as a Palestinian. It should be clear that Palestinians who assert that they do in fact exist, oppose their oppression and call for their equality and freedom, are not attacking anyone else's safety when they share their views and experiences. Rather, Ahmad and Palestinians like Ahmad, who courageously reject Israel's discriminatory practices and dehumanizing narratives in the face of erasure are doing so because their humanity is at stake, and as such these attacks strike at the core of Palestinian identity.

Even setting aside the implicit anti-Palestinian animus underlying the attacks on Ahmad, the explicitly racist content is enough to constitute actionable harassment based on national origin and ethnicity. Statements demanding Ahmad's removal were replete with explicit slurs such as: "no tolerance for Islamic advocacy of murder;" "dirty ass towel heads always hating Israel;" "FSU Senate President Ahmad Daraldik must be chastised (castrated) immediately & deported to a Muslim country of his choice;" references to Ahmad and his advocacy for Palestinian equal rights in student government as a "hydra" with multiple heads and a beast that needs to be killed "before it multiplies;" and "[I]ets go hunt and kill sum muzzlits nig."

Ahmad's Palestinian national origin is an immutable characteristic. "Palestinian" is not a political ideology that Ahmad can choose to embrace or discard. He was born to Palestinian parents and spent half his childhood living in Palestine. When he was criticized for social media posts he had made as a child living under Israeli military occupation, he endeavored to explain what being Palestinian entails. He was vilified for this by his peers, by state officials, by unaffiliated bigots, by an Israeli-government funded app, and by his own university administrators.

Ahmad was not purely engaging as a political advocate when he described and reacted to anti-Palestinian violence by Israel. Speaking about these experiences touches on the core of who he is—his Palestinian identity. To malign and punish him, to insist repeatedly that he is unfit to be a student leader because he engaged in campus life as a Palestinian, is at its core national origin discrimination. Similarly, if a Black student was repeatedly harassed with anti-Black slurs for articulating his experience with anti-Blackness and racist police violence and was then called on to leave his elected position and denounced by the president of his university for his statements as being anti-white, it would be a clear case of a hostile racist environment, which the University would be obligated to address and remedy.

FSU not only failed to denounce or rectify the harassment Ahmad experienced, it reinforced the anti-Palestinian environment with its statements and actions. Comparing the University's handling of the campaign to remove Ahmad with its handling of Jack Denton's case

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YORK TIMES (Nov. 24, 2004), <https://www.nytimes.com/2004/11/24/obituaries/rafael-eitan-75-exgeneral-and-chief-of-staff-in-israel-dies.html>.

is also illustrative of national origin discrimination. As discussed earlier, the University responded to the campaign to remove Ahmad by joining in his condemnation, by initiating a student conduct investigation and posting a public statement on the University website calling him anti-Israel (and later, antisemitic) for his childhood posts. This stands in stark contrast to the University's treatment of Denton, the prior student government president, who faced public criticism and removal for anti-LGBTQ+ comments and comments attempting to malign the Black Lives Matter movement. On the day the student government held a no confidence vote over Denton, a white Catholic leader, FSU issued a statement ambiguously acknowledging the hurt felt by the LGBTQ+ and Black communities on campus, but made no mention of Denton, or Denton's statements.<sup>78</sup> In contrast, Thrasher explicitly singled out "the FSU Student Senate President" – Ahmad – for condemnation.

This stands in marked contrast to the University's treatment of Ahmad, a Palestinian Muslim student of color. The University used its megaphone to identify Ahmad as a source of campus disturbance and directly condemned him, while deploying a bigoted character assassination that reinforced the false notion that a Palestinian who criticizes Israeli policies that directly endanger him and his family is motivated by anti-Jewish animus. The difference in the administration's response indicates that FSU determined it was more politically convenient to reinforce derogatory stereotypes about Ahmad, compared to its hands-off approach to Denton's harmful bigotry.

The harassment campaign targeting Ahmad fueled by explicit racism and implicit anti-Palestinian bigotry fostered a toxic campus environment for Ahmad that the University failed to remedy, and instead reinforced.

## **V. Ahmad's Educational Opportunities Were Severely Interrupted and Harmed**

Because of this hostile, anti-Palestinian environment at FSU, Ahmad has found it difficult to concentrate on his studies. From the stress of constant bullying messages and the pressure campaign against him, Ahmad had difficulty sleeping, began to fall behind on classes, and suffered a lost sense of safety and security. Severe anti-Palestinian harassment particularly escalated after President Thrasher released his statement falsely condemning him for "anti-Semitic" speech. Ahmad was unable to sleep, was plagued by nightmares and spent the majority of his waking hours figuring out how to respond to distorted accusations and harassment. He was unable to study and focus on his exams during the Summer 2020 quarter when the harassment was at its height. Exhausted and scared, he received a near-failing grade in one of his summer classes.

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<sup>78</sup> *A message from President John Thrasher: An update to the campus community*, FLORIDA STATE UNIVERSITY NEWS (June 3, 2020), <https://news.fsu.edu/news/university-news/2020/06/03/a-message-from-president-john-thrasher-letter-to-mayor-dailey-and-chief-revell/>.

This hostile environment took a toll on Ahmad’s physical health as well. In June, Ahmad’s family contracted COVID-19. While Ahmad was bed-ridden for over a week, anti-Palestinian attacks on his character continued. With a high fever, exhausted and fighting COVID symptoms, he was forced to spend energy he needed to recover on defending himself. When he finally recovered, he struggled between caring for ailing family members and addressing the mass of anti-Palestinian hate directed at him by FSU, politicians and anti-Palestinian groups around the world. Detailing the impact such an inflamed environment had on him, Ahmad informed FSU in his discrimination complaint that, “[t]his campaign has [a]ffected my ability to complete my summer online courses, my mental health, and my ability to even function on a daily basis.”<sup>79</sup>

Ahmad was unable to participate in campus life as his full self because his character had been so severely attacked for sharing what discrimination against Palestinians looks and feels like. Anti-Palestinian and Israel groups took advantage to pervert his experiences under Israeli military occupation as anti-Jewish animus. FSU’s repetition of anti-Palestinian stereotypes reinforced the distorted view that Ahmad and his contributions on campus were unwelcome and hateful. This justified student groups to run a recall campaign and the student government to pass a measure positioning Ahmad as someone who could cause “deep hurt and fear” to others based on distortions of his childhood experiences. He was unable to participate in campus life on equal terms as other students because his every word about his Palestinian identity and experiences was attacked, diminished, subverted, and perverted.<sup>80</sup>

The hostile environment eventually denied Ahmad his ability to participate in student government on an equal basis as his peers. He was able to keep his seat as Senate President for most of his term, despite the painful environment that detracted from his studies, his physical and emotional health. However, he was finally suspended in November 2020 as a result of a frivolous complaint (see section III above) and banned from holding office in the future. This was overturned by the administration but not in time to allow him to run for reelection.

Even non-Palestinians at FSU who showed support to Ahmad and other Palestinian students were themselves subject to scrutiny and harassment. For example, in July 2020, two high-ranking FSU deans initiated an investigation of senior Jack Fox Keen for affirming that Ahmad should be allowed to talk about his experience growing up in Palestine.<sup>81</sup> Defending Ahmad in a student senate hearing, Jack said “I do not agree with the idea that a Palestinian is

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<sup>79</sup> Exhibit 28: Ahmad Daraldik, Florida State University Discrimination Report (July 23, 2020).

<sup>80</sup> For example, Ahmad was unable to participate in campus life on equal terms as other students by having to provide disclaimers that he is committed to Jewish safety before being permitted to speak about his Palestinian identity—a prerequisite that diminishes Palestinian experiences, attaches conditions on their contributions, and reinforces stereotypical anti-Palestinian presumptions.

<sup>81</sup> Exhibit 29: Letter from Civil Rights Organizations to Florida State University, (Re: Anti-Palestinian Environment at Florida State University) at 17 (Dec. 14, 2020).

not allowed to compare one oppressive regime they are experiencing to another without being accused of bigotry.” Jack was ultimately cleared and spared of sanctions, but the investigation sent a clear message to anyone who might consider standing up for Ahmad: better to let him remain isolated than to defend him and risk being accused in a spiral of false charges and smears. This is a classic bullying dynamic.

This experience has left Ahmad believing he is unwelcome on campus, fearing for his safety, and afraid that anything he says about being a Palestinian will cause further disruptions to his education. He suffers deep uncertainty about how to exist as a Palestinian on campus when his ability to talk about Palestinian lives, experiences and identity has spurred such intense campaigns by anti-Palestinian politicians and lobby groups. Mostly, however, he is devastated that FSU’s administration not only failed to condemn these campaigns against him but instead joined in the fray. Ahmad faces constant anxiety that the attacks on him will continue if he dares to even mention the word Palestine or Palestinian – much less advocate for Palestinian equal rights on campus – and he understands himself to be entirely abandoned by the FSU administration.

## **VI. FSU Was Well-Informed of the Hostile, Anti-Palestinian Environment**

Although FSU officials should have known and likely did know about the hostile climate, Ahmad took affirmative steps to notify the administration about the severity of discrimination he faced, and the interruptions to his education that resulted.

On July 17, 2020, Ahmad filed an internal complaint against President Thrasher for discrimination based on ethnicity and ethnic heritage, attaching screenshots of racist online trolling and questioning the University’s silence throughout.<sup>82</sup> The complaint was dismissed for lack of jurisdiction, and on the basis that these statements, even if offensive, are protected by the First Amendment.<sup>83</sup>

On July 23, 2020, Ahmad filed a renewed internal complaint against President Thrasher for discrimination, providing more details about the weight of harassment and the University’s own role in reinforcing the discrimination.<sup>84</sup>

“If you can’t address those derogatory statements made out of racism and [I]slam[o]phobia, I hope you can address the actions of the University President who has targeted me after being instructed to do so to appease the individuals who have created a smear campaign against me.”

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<sup>82</sup> Exhibit 30: Ahmad Daraldik, Florida State University Discrimination Report (July 17, 2020).

<sup>83</sup> Exhibit 31: Email from KC White, Interim Dir., Student Conduct and Cmty. Standards, to Ahmad Daraldik (July 20, 2020).

<sup>84</sup> Exhibit 28: July 23 Discrimination Report.

On July 29, 2020, Ahmad also filed an internal complaint against Hillel Director Dan Leshem.<sup>85</sup> Leshem had invited Ahmad to an educational conversation after expressing interest in learning more about Ahmad's upbringing under Israeli occupation. During the meeting, after Ahmad had detailed humiliating experiences he faced in the West Bank, Leshem called Ahmad an "extremist." Ahmad vocally stated how uncomfortable he was to be called a term often interchanged with "terrorist," a racialized slur used to describe Arabs and Muslims. After some discussion with the FSU Equity, Diversity and Inclusion Office about the limited scope of complaints about non-FSU employees, the matter was not ultimately pursued.

Hearing no resolution to his multiple complaints, and having endured continued anti-Palestinian harassment, on December 15, 2020, Ahmad's attorneys from Palestine Legal and CAIR-Florida wrote to FSU on behalf of Ahmad detailing the full extent of severe and pervasive harassment targeting him.<sup>86</sup>

## **VII. Rather Than Take Remedial Action, FSU Reinforced an Anti-Palestinian Environment at FSU**

FSU was not merely indifferent in failing to address Ahmad's complaints about the hostile campus environment despite having notice, but also took actions of its own to aggravate the hostile environment.

### **1. FSU emboldened anti-Palestinian racism on campus**

At first, from June 5 to June 18, FSU ignored Ahmad and remained silent while the anti-Palestinian campaign snowballed into a state-wide event and Ahmad received a barrage of racist and Islamophobic messages, that grew by the day.

When FSU shifted gears and took action to respond to the situation, it chose to publicly rebuke him. FSU published its June 18 statement vilifying Ahmad for speaking about his traumatic childhood under Israeli occupation. As described above, the June 18 statement bolstered the bigoted notion that Palestinians who relate Palestinian life experiences of Israeli violence are expressing antisemitism. Rather than use his institutional power to address the anti-Palestinian harassment that Ahmad was enduring, President Thrasher branded Ahmad with an official seal of disapproval.

FSU's attempt to initiate an investigation into Ahmad the next day, compounded by President Thrasher's July 16 letter admonishing Ahmad, demonstrated that if Ahmad spoke

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<sup>85</sup> Exhibit 32: Ahmad Daraldik, Florida State University Discrimination Report (July 29, 2020).

<sup>86</sup> Exhibit 29: Letter from Civil Rights Organizations.



frankly about his Palestinian experiences, or attempted to defend himself, he would be subjected to public and private shaming.

Finally, FSU's official recognition of the so-called IHRA definition of antisemitism further stigmatized Palestinians on campus and exacerbated the hostile climate. As described above, this action reinvigorated the anti-Palestinian campaign against Ahmad.

## **2. FSU failed to adequately address Ahmad's discrimination complaints**

In response to Ahmad's July 23 discrimination report, FSU retained Pennington Law, a local firm, to investigate the complaint. Seven months after Ahmad filed his complaint, Pennington Law issued a report ("the Report") replete with factual omissions, legal errors and procedural defects.<sup>87</sup> The report failed to address or analyze FSU's hostile environment based on national origin and ignored key evidence of discrimination Ahmad presented.

Foremost, the Report failed to apply the proper discrimination analysis to assess Ahmad's claims. For example, it claimed that the anti-Palestinian and Islamophobic slurs directed at Ahmad was speech protected by the First Amendment.<sup>88</sup> This is correct in the narrow sense that FSU could not punish the individual speakers or prohibit racist comments. But the Report incorrectly ended its analysis there. A fundamental principle of the balance between Title VI obligations and First Amendment protections is that, even when a university cannot punish students for protected speech, the university must take remedial action within its power – such as using its own speech – to address a hostile environment emanating from such discourse.

The Report also failed to acknowledge or even mention the impediments to Ahmad's education as a result of the harassing anti-Palestinian environment Ahmad was subjected to, for example his loss of sleep, inability to study and subsequent poor grades.<sup>89</sup> At times, the Report appeared to blame Ahmad for the harm he faced, stating that racist harassment was a result of "views he held regarding Israel" that he "willingly posted" to social media. In one instance, the Report omitted that the cause of interference in Ahmad's present-day college education was a social media post he had made as a 12-year-old.

Also concerning was the Report's deferential tone in favor of President Thrasher. Rather than scrutinize the President's close relationships to state legislators who interfered in campus debates to stigmatize Ahmad, the Report appeared to embrace these relationships, concluding that the FSU president was rightfully embarrassed in front of his former colleagues in the state

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<sup>87</sup> See Exhibit 20: Report from Investigation of Complaints by Ahmad Daraldik.

<sup>88</sup> *Id.*

<sup>89</sup> *Id.* at 7. The Report ultimately found "no evidence of a threat of harm to Mr. Daraldik or his property, infringement of Mr. Daraldik's privacy, substantial interference with his academic performance, or interference with his ability to participate in any opportunity or benefit provided by FSU."

legislature, and that such embarrassment was a reasonable justification for Thrasher's actions contributing to the anti-Palestinian campus environment. By faulting Ahmad's "unprofessionalism" as the impetus for President Thrasher's discriminatory treatment, the Report blamed the victim.<sup>90</sup> The Report also described FSU's altered language in its statement condemning Ahmad's speech from "anti-Israel" to "anti-Semitic," as a "correction" when in fact it was an erroneous and offensive descriptor that legitimized the harassment Ahmad was facing.

Finally, the investigation failed to serve as a genuine remedial process because of its procedural defects. Pennington Law was retained to review Ahmad's July 23 Discrimination report. But the investigator, Brandice Dickson, extended the scope of the investigation without providing Ahmad or his attorneys notice – and ultimately issued findings on all three of Ahmad's complaints (see Section VI). Although Ahmad desired a comprehensive review of his concerns, the extension of jurisdiction over two previous complaints without notice meant that Ahmad and his attorneys were not fully able to support these claims by providing testimony or other evidence.

On February 8, 2021, Pennington Law closed the investigation and sent a report of its findings directly to FSU. Neither Ahmad nor his counsel was directly informed by Pennington Law that the investigation was closed – despite an email from Ahmad's counsel to Ms. Dickson just days before inquiring about the status of the investigation. Shockingly, FSU did not forward the report or notify Ahmad or Ahmad's counsel the investigation had ended until two weeks later, on February 23, 2021.

The investigation was wholly inadequate and unresponsive to Ahmad's complaints. The Report, with its omission of essential facts, failure to apply the appropriate legal standards and other procedural deficiencies, did not address the severe, pervasive and persistent nature of the national origin harassment Ahmad experienced or how it affected his educational experience. FSU, with its two-week delayed delivery of the findings, considered Ahmad and his distress an afterthought.

Although FSU stated it would respond to the December 15 complaint letter from Ahmad's attorneys, it never did.

As a whole, the University failed its obligations address or even remedy the hostile environment Ahmad continues to experience.

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<sup>90</sup> *Id.* at 10.

## VIII. Conclusion

The University's failure to protect Ahmad from the severe harassment he experienced, and its own reinforcement of anti-Palestinian attacks on Ahmad, violate Title VI of the Civil Rights Act of 1964. As a university obligated to provide an educational environment welcoming to all regardless of race, color or national origin, FSU cannot justify its failure to address the hostile anti-Palestinian environment that Ahmad was subjected to, nor its own discriminatory treatment of Ahmad.

Accordingly, we urge the Office for Civil Rights to investigate Florida State University.

Sincerely,



Amira Mattar  
Michael Ratner Legal Fellow



Dima Khalidi  
Director



Radhika Sainath  
Senior Staff Attorney