



THE EQUAL PROTECTION PROJECT
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July 14, 2023

BY EMAIL (OCR.NewYork@ed.gov)

U. S. Department of Education
Office for Civil Rights - New York Office
32 Old Slip, 26th Floor
New York, NY 10005-2500

Re: Civil Rights Complaint Against New York University Concerning Workshops Exclusively for White Public School Parents

To Whom It May Concern:

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

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

We bring this civil rights complaint against New York University ("NYU") – a private institution that receives federal funds from the U.S. Department of Education – for creating, supporting, and promoting the From Integration to Anti-Racist Workshop Series (the "FIAR"), a program that in 2023 explicitly limited participation to "white public school parents."

NYU's creation and active promotion of a program that explicitly limited attendance based on race and skin color violates federal and state civil rights laws, including Title II of the

Civil Rights Act of 1964 (“Title II”),¹ Title VI of the Civil Rights Act of 1964 (“Title VI”),² 42 U.S.C. § 1981 (“Section 1981) and the New York State and New York City Human Rights Laws.³

OCR should investigate this blatantly discriminatory program and the circumstances under which the creation and promotion of it was approved, take all appropriate action to end such discriminatory practices and impose remedial relief. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend, terminate, or refuse to grant or continue federal financial assistance, and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States.

The “From Integration To Anti-Racist Workshop Series”

According to the NYU website, the 2023 FIAR was a “series of six (6) monthly workshops designed specifically for white public school parents in New York City committed to becoming anti-racist and to collaboratively building equitable, powerful, multiracial parent communities in their schools.”⁴

The program was hosted by the Education Justice Research and Organizing Collaborative (“EJ-ROC”) at NYU’s Metropolitan Center for Research on Equity and the Transformation of Schools (“Metro Center”), which is part of NYU’s Steinhardt School of Culture, Education, and Human Development (“Steinhardt”).

The EJ-ROC describes itself as a “collaborative” that provides “anti-racist training, coaching, and skills-building for public school parents and parent groups, especially for white parents committed to becoming antiracist.”⁵

¹ 42 U.S.C. §2000a.

² 42 U.S.C. § 2000d.

³ See N.Y. Exec. L. § 296; N.Y.C. Admin. Code. § 8-107.

⁴ See <https://web.archive.org/web/20230306012042/https://steinhardt.nyu.edu/events/integration-anti-racist-fiar-workshop-series> (accessed on July 13, 2023). The Washington Free Beacon first reported on the FIAR program, and its extensive coverage of the program can be found here: <https://freebeacon.com/campus/woke-or-kkk-nyu-hosts-whites-only-antiracism-workshop-for-public-school-parents/> (accessed on July 13, 2023).

⁵ See <https://steinhardt.nyu.edu/metrocenter/services> [https://archive.is/nmdRT] (accessed on July 13, 2023).

Educational Justice Research
and Organizing Collaborative

Expertise in parent and community organizing and coalition building for racial justice in education, quick turnaround data and research support, culturally responsive-sustainable education (CRSE), and anti-racist training, coaching, and skills-building for public school parents and parent groups, especially for white parents committed to becoming antiracist.

The six workshops of the FIAR program took place from February 1, 2023 through June 7, 2023, and the cost for participation ranged from \$320 to \$360 per parent.⁶ While these workshops apparently took place online, the program noted that “[i]n-person sessions may be added as the group decides.”⁷

When?

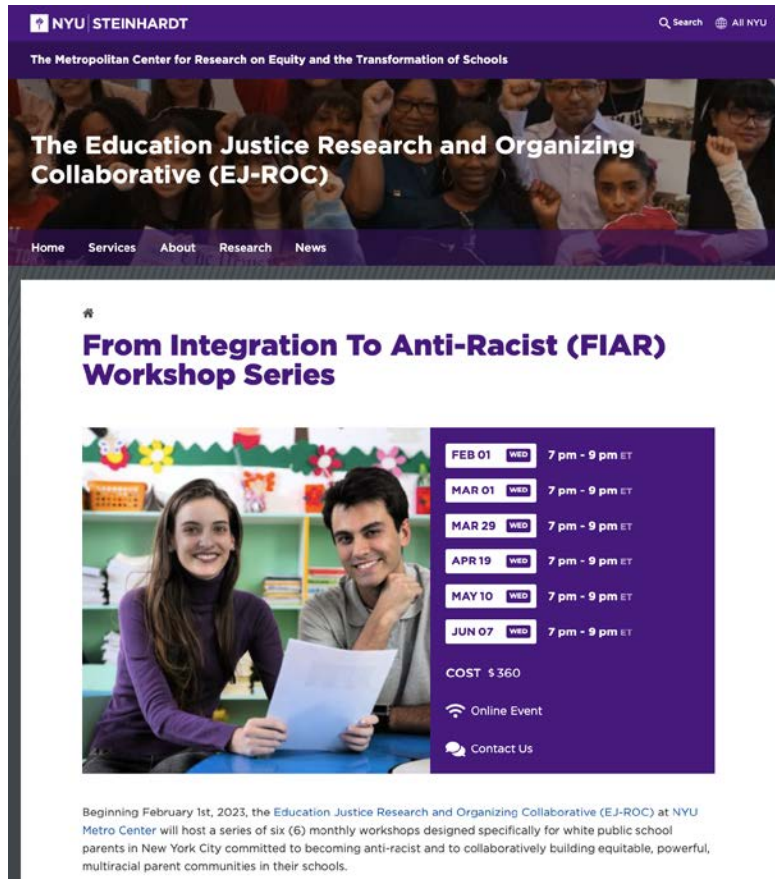
The series will take place on Wednesdays of each month from 7:00- 9:00 PM via zoom (for now)*:

Feb 1, March 1, March 29, April 19, May 10, June 7

*In-person sessions may be added as the group decides

⁶ See <https://web.archive.org/web/20230306012042/https://steinhardt.nyu.edu/events/integration-anti-racist-fiar-workshop-series> (accessed on July 13, 2023).

⁷ See <https://tinyurl.com/hbubvt26> (accessed on July 13, 2023).



The first FIAR program appears to have been conducted in 2019, initially as collaboration between Metro Center and NYC Alliance for School Integration and Desegregation (“nycASID”) – a private non-profit whose mission is “to advocate for racial and socioeconomic city-wide school desegregation and integration” as a means to “[u]proot white supremacy” and “engender racial healing.”⁸

Metro Center’s website declares that “white people have internalized messages, attitudes, and beliefs about white supremacy, regardless of their intentions or awareness, and often act to perpetuate racial hierarchies in our schools and communities.”⁹ A screenshot from the website is reproduced below:

⁸ See <https://www.nycasid.com/> [https://archive.is/CCs6v] (accessed on July 13, 2023).

⁹ See <https://steinhardt.nyu.edu/metrocenter/services> [https://archive.is/nmdRT] (accessed on July 13, 2023).



Anti-racist Initiative

NYU Metro Center's ongoing commitment to promoting educational equity and confronting anti-Black racism and white supremacy has spanned four decades. As we have pursued this work, a difficult truth has emerged: white people have internalized messages, attitudes, and beliefs about white supremacy, regardless of their intentions or awareness, and often act to perpetuate racial hierarchies in our schools and communities. As Black, Latinx, Indigenous, and Asian descendant people work to disrupt systemic racism and challenge white people to act, many white people are seeking opportunities to expose supremacist ideologies and practice anti-racism. To support all these efforts, NYU's Metro Center introduces an Anti-Racist and Critical Whiteness Initiative.

According to an event website posted by nycASID, attendance for the 2019 FIAR did *not* appear to be limited exclusively to white parents; rather, participation was requested “[e]specially if you are a white parent committed to becoming antiracist[.]”¹⁰

The following year, however, a Steinhardt website describing the workshop series for the 2020-2021 school year made clear its racial limitation, describing the FIAR program as “anti-racist training *to white parents* to help them identify and combat the destructive beliefs and patterns of internalized white supremacy” (emphasis added).¹¹

Education Justice Research and Organizing Collaborative (EJ-ROC)

Education Justice Research and Organizing Collaborative (EJ-ROC) provides support to public school parents, youth, and community groups that are organizing to improve their public schools. EJ-ROC brings together researchers, data and policy analysts, and community organizers to provide critical research, data, policy, and strategic support for the education justice movement. EJ-ROC aims to maximize the synergy between research and community organizing, magnify the voices of grassroots communities of color, and advance the capacity of organizing efforts to design solutions, make demands, and sustain policy wins.

EJ-ROC served the following constituencies:

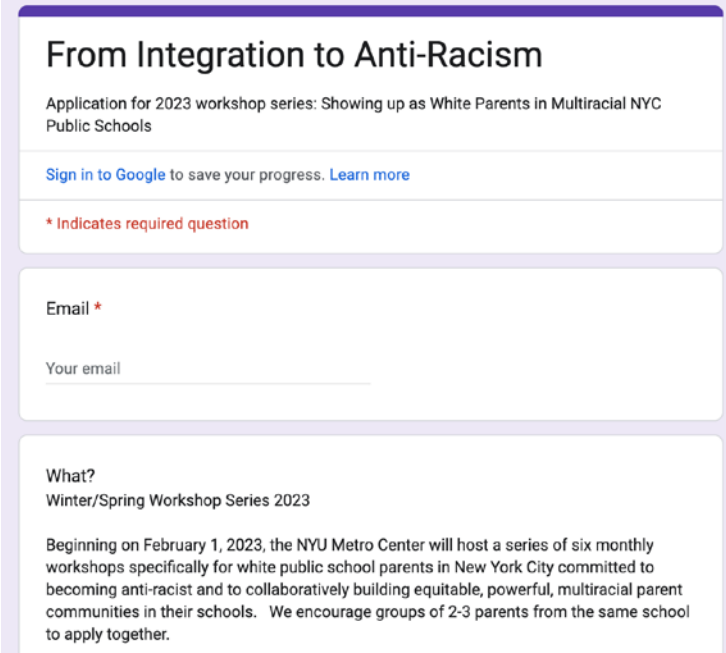
- 1,500 parents and community members
- 100 students
- 700 teachers
- 100 district-level leaders
- 100 school-level leaders
- 50 training workshops, seminars, and courses hosted

During the '20-'21 year, EJ-ROC launched several new projects and campaigns. *From Integration to Anti-Racism: How We Show Up As White Parents*, which provides anti-racist training to white parents to help them identify and combat the destructive beliefs and patterns of internalized white supremacy. EJ-ROC launched a national effort to support community organizing groups working for educational equity in the face of attacks on critical race theory. EJ-ROC supported the New York City's Coalition for Educational Justice (CEJ) and other organizing groups fighting for culturally responsive-sustaining education and family engagement during the pandemic.

¹⁰ See <https://www.nycasid.com/news-feed-2> [<https://archive.is/IUE8U>] (accessed on July 13, 2023).

¹¹ See <https://steinhardt.nyu.edu/metrocenter/impact-centers-projects-20-21> [<https://archive.is/rsnyn>] (accessed on July 13, 2023).

And, in 2023, the FIAR program explicitly stated that the workshops were racially exclusive. It titled the workshop series “From Integration to Anti-Racism: How We Show Up As White Parents In Multiracial NYC Public Schools” and described the program as being “specifically for white public school parents in New York City committed to becoming anti-racist and to collaboratively building equitable, powerful, multiracial parent communities in their schools.”¹² A screenshot of the application for the 2023 FIAR program, which has since been removed from the university’s website, is reproduced below:



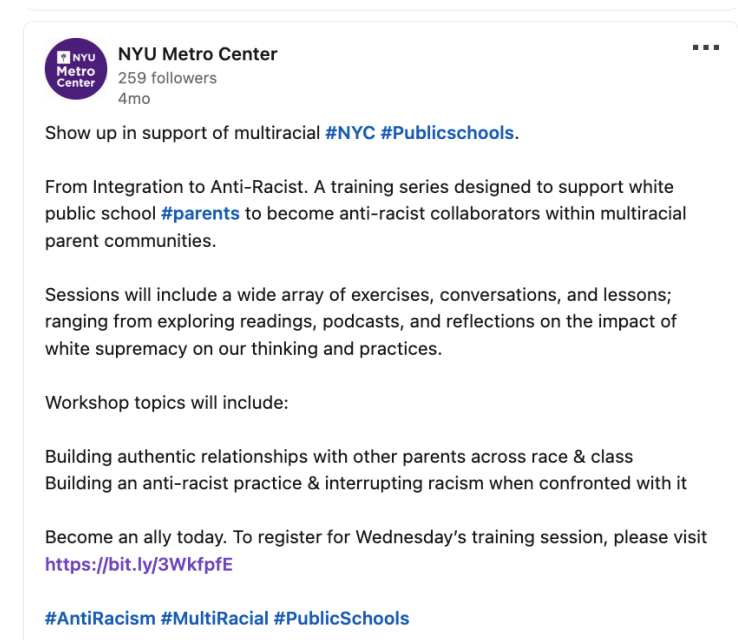
The screenshot shows a Google Form with the following content:

- Title:** From Integration to Anti-Racism
- Subtitle:** Application for 2023 workshop series: Showing up as White Parents in Multiracial NYC Public Schools
- Link:** Sign in to Google to save your progress. Learn more
- Note:** * Indicates required question
- Field 1:** Email *
Your email
- Field 2:** What?
Winter/Spring Workshop Series 2023
Beginning on February 1, 2023, the NYU Metro Center will host a series of six monthly workshops specifically for white public school parents in New York City committed to becoming anti-racist and to collaboratively building equitable, powerful, multiracial parent communities in their schools. We encourage groups of 2-3 parents from the same school to apply together.

On social media, NYU described the workshops as a “training series to support white public school #parents to become anti-racist collaborators within multiracial parent communities.”¹³

¹² See https://docs.google.com/forms/d/e/1FAIpQLSdF2EErTq-ug-LiCf1r5W6oY_QhgHX6KLMUehsBsF-KDu4wzA/viewform?pli=1 [https://archive.is/W6tTJ] (accessed on July 13, 2023).

¹³ See <https://www.linkedin.com/company/nyu-metro-center/posts/?feedView=all>.



According to reporting by The Washington Free Beacon,¹⁴ “[a] few days before the first session, facilitators circulated a flyer entitled “Why a White Space,” to explain “why we are meeting as white folks for these six months.”

The handout, produced by the nonprofit Alliance of White Anti-Racists Everywhere, stressed the importance of “gathering as a white anti-racist community” in order to “unlearn racism without having to ... subject people of color to ... undue trauma or pain.” The handout further asserted that it is important to have “a space for white people to figure out what it means to be an anti-racist white person” and to “learn the skills needed to transform the larger white community.”¹⁵

A copy of the relevant portion of the handout is reproduced below:

¹⁴ See <https://freebeacon.com/campus/woke-or-kkk-nyu-hosts-whites-only-antiracism-workshop-for-public-school-parents/>.

¹⁵ *Id.*

Why a White Space

For many, it sounds contradictory: "It's racist if just white people get together. Isn't that segregation?" The following are our reasons for gathering as a white anti-racist community:

1. People of color shouldn't always have to be the ones to educate white people about racism and oppression. We are taking responsibility for learning about racism, our own white privilege, and how to challenge it as white people.
2. In order to challenge racism and dismantle white supremacy, white people need to unlearn racism and discover the ways we enact white privilege. This is a long, difficult, and sometimes painful process. It's helpful to have a space where other white people engaged in this process can support and challenge us, without having to always subject people of color to further undue trauma or pain as we stumble and make mistakes. Having a community of white anti-racist people gives us hope, helps us grow our practice, and gives us strength to stay in it for the long haul.
3. A commitment to anti-racist identity and practice as a white person can sometimes mean increased alienation and conflict in our lives, especially with other white friends and family who disagree with us. AWARE is a space where we can get support from people who are experiencing similar struggles as anti-racist white people.
4. AWARE is a space for white people to figure out what it means to be an anti-racist white person and challenge racism in all areas of our lives. We cannot expect people of color to have all of the answers for us on how to transform ourselves and other white people. As white people we are well equipped to understand what it means to be white, as well as a white anti-racist.
5. AWARE is a place where white people can begin to build a new culture of white anti-racism, and learn the skills needed to transform the larger white community.
6. AWARE is a supplement to, not a replacement for, multi-racial dialogues between white people and people of color. It's important that white people give space in their lives to learning from and bearing witness to people of color's experiences of racism.
7. A white space serves as a resource to people of color who want to work with white people but don't want to have to spend all their energy dealing with the racism of white people.

Recent Media Coverage

A YouTube video posted by the Washington Free Beacon¹⁶ purports to show a parent participating in the first workshop and asking Barbara Gross, the Associate Director of the EJ-ROC, a question regarding the racial exclusivity of the program:

Parent: I'm not completely convinced why it's so important to meet only as white people, and I was wondering if you could maybe explain this."

Gross: The purpose is to create space where we can talk about our racism with each other and support each other through that and hold each other accountable to show up differently and **without burdening the people of color in our lives** So we have to figure it out **amongst ourselves**, we have to talk about the hard things, we have to be able to say them out loud, we have to have the safety to do that

¹⁶ <https://youtu.be/Qj9SZhfq9iY> [<https://archive.is/s4HuR>] (accessed on July 13, 2023).

without having to worry about harming people of color and ... to practice anti-racist ways of being and come back to each other for support and accountability.... And it's actually so that we can **show up better in multiracial spaces**.

The FIAR Violates The Law

Needless to say, NYU's white-only "From Integration to Anti-Racist" workshop series clearly violates federal and state anti-discrimination laws.

It violates Title VI of the Civil Rights Act of 1964 for a recipient of federal money, such as NYU, to discriminate on the basis of race, color or national origin.¹⁷ Similarly, Title II of the Civil Rights Act of 1964 makes it unlawful to discriminate on the basis of race or color in a place of "public accommodation."¹⁸ As the FIAR workshop series restricts eligibility based on race and color, it violates both of these statutes as well as 42 U.S.C. § 1981.

For the same reasons, NYU's FIAR program also runs afoul of state and local anti-discrimination laws.¹⁹ And, of course, the FIAR workshop's race/color criterion violates NYU's own non-discrimination policy, which claims that the university stands against discrimination based on race and color.²⁰

NYU's deliberate racial segregation in its FIAR workshop series constitutes invidious discrimination for which there is no legal justification.

OCR Has Jurisdiction

OCR has jurisdiction over this complaint.

Title VI of the Civil Rights Act prohibits intentional discrimination on the basis of race, color or national origin in any "program or activity" that receives federal financial assistance.²¹ The term "program or activity" means "all of the operations ... of a college, university, or other

¹⁷ 42 U.S.C. § 2000d.

¹⁸ 42 U.S.C. § 2000a(a).

¹⁹ N.Y. Exec. L. § 296(2)(a); N.Y.C. Admin. Code 8-107(4).

²⁰ See <https://www.nyu.edu/about/policies-guidelines-compliance/equal-opportunity/harassment-and-discrimination.html> [https://archive.is/E72zM] (accessed on July 13, 2023).

²¹ 42 U.S.C. § 2000d.

postsecondary institution, or a public system of higher education.”²² As NYU is a private university that receives federal funds, it is subject to Title VI.²³

It does not matter if the recipient of federal funding discriminates in order to advance a benign “intention” or “motivation.” *Bostock v. Clayton Cty.*, 140 S. Ct. 1731, 1742 (2020) (“Intentionally burning down a neighbor’s house is arson, even if the perpetrator’s ultimate intention (or motivation) is only to improve the view.”); *accord Automobile Workers v. Johnson Controls, Inc.*, 499 U. S. 187, 199 (1991) (“the absence of a malevolent motive does not convert a facially discriminatory policy into a neutral policy with a discriminatory effect” or “alter [its] intentionally discriminatory character”). “Nor does it matter if the recipient discriminates against an individual member of a protected class with the idea that doing so might favor the interests of that class as a whole or otherwise promote equality at the group level.” *Students for Fair Admissions Inc. v. President & Fellows of Harvard College*, __ U.S. __, __ (2023) (Gorsuch, J., concurring).

Simply put, “Title VI prohibits a recipient of federal funds from intentionally treating any individual worse even in part because of his race, color, or national origin and without regard to any other reason or motive the recipient might assert.” *Id.* (cleaned up). Thus, regardless of NYU’s reasons for making the FIAR workshop series “whites only,” it violated Title VI by doing so.

The Complaint Is Timely

This complaint is timely brought because it includes allegations of discrimination based on race that occurred within the last 180 days.

Request For Investigation And Enforcement

In *Richmond v. J. A. Croson Co.*, Justice Scalia aptly noted that “discrimination on the basis of race is illegal, immoral, unconstitutional, inherently wrong and destructive of a democratic society.” 488 U.S. at 505 (citation omitted).

The Office for Civil Rights has the power and obligation to investigate NYU’s role in creating, sponsoring, supporting and promoting the FIAR workshop series – and to discern whether NYU is engaging in such discrimination in its other activities – and to impose whatever remedial relief is necessary to hold the school accountable for that unlawful conduct. This includes, if necessary, imposing fines, initiating administrative proceedings to suspend or

²² 42 U.S.C. § 2000d-4a(2)(A). *See Rowles v. Curators of the Univ. of Mo.*, 983 F.3d 345, 355 (8th Cir. 2020) (“Title VI prohibits discrimination on the basis of race in federally funded programs,” and thus applies to universities receiving federal financial assistance).

²³ *See* <https://www.nyu.edu/community/government-affairs/using-funding-to-make-a-difference.html#:~:text=NYU%20Government%20Affairs%20secures%20local,promote%20change%20throughout%20the%20world> [https://archive.is/K7J8o] (accessed on July 13, 2023).

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terminate federal financial assistance, and referring the case to the Department of Justice for judicial proceedings to enforce the rights of the United States under federal law. After all, “[t]he way to stop discrimination on the basis of race is to stop discriminating on the basis of race.” *Parents Involved in Cmty. Sch.*, 551 U.S. at 748.

Accordingly, we respectfully ask that the Department of Education’s Office for Civil Rights impose remedial relief as the law permits for the benefit of those who have been illegally excluded from the FIAR based on racially discriminatory criteria, and that it ensure that all ongoing and future programming through NYU comports with applicable civil rights laws.

Sincerely,



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