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REBECCA SCHAFER a/k/a RIVKA
SCHAFER,

Plaintiff,

v.

RUTGERS, THE STATE UNIVERSITY OF
NEW JERSEY; JOHN AND JANE DOES 1-
100; and ABC CORPS. 1-100,

Defendants.

SUPERIOR COURT OF NEW JERSEY,
LAW DIVISION, MIDDLESEX COUNTY
DOCKET NO. MID-L-_____-24

Civil Action

**COMPLAINT &
JURY DEMAND**

Plaintiff Rebecca “Rivka” Schafer, by this Complaint against all defendants, on information and belief, alleges as follows:

INTRODUCTION

1. “Rutgers University is an absolute mess, and has failed to meet the moment. I didn’t come to college to study in a living laboratory of antisemitism, which is what Rutgers has become.” That is what Rutgers student Joe Gindi just told the U.S. Congress on February 29th.

2. Plaintiff Schafer, a student enrolled at Rutgers, The State University of New Jersey, has also been exposed to and damaged by its “laboratory of antisemitism.”

3. Defendant Rutgers, The State University of New Jersey (“Rutgers”) is the public university with the second largest Jewish student body in the United States.¹ Over the last several years, there has been an escalation of antisemitic incidents on university campuses, including at Rutgers. For years, Rutgers’ Jewish students have reported incidents and concerns to Rutgers; yet Rutgers continues to tolerate faculty members, guest speakers, groups, students, and student organizations that legitimize or endorse antisemitic expression and actions, whether overt or implicit. Toleration of bullying, intimidation, harassment, discrimination, and retaliation against Jewish students denies them their right to an adequate educational environment.

4. The hostility at Rutgers towards Jewish students spiraled out of control after Hamas’ terrorist attack on October 7, 2023 in Israel. It is well-documented that Hamas engaged in atrocities, including murder of civilians, kidnapping of children and widespread rape and mutilation. Despite the U.S. government, foreign governments and reputable news agencies documenting Hamas’ atrocities on October 7th which were primarily committed against Jewish people, professors, students, and others at Rutgers celebrated that terrorist attack, calling it justified and defending the actions of Hamas committed against Jewish persons.

5. Rutgers, its employees and/or agents, including members of their upper management, violated Plaintiff Schafer’s rights under the New Jersey Law Against Discrimination, N.J.S.A. 10:5-1, *et seq.* (“NJLAD”) to be free from all forms of discrimination while a student at New Jersey’s predominant public education institute, defendant Rutgers.

PARTIES

6. Plaintiff Rebecca “Rivka” Schafer (“Schafer” or “Plaintiff”) is a first-year undergraduate student at Rutgers. Schafer is a resident of Bergen County, New Jersey.

¹ www.hillel.org/top-60-jewish-colleges/.

7. Defendant Rutgers holds itself out as “among America’s highest-ranked, most diverse public research universities” and claims to be “committed to mutual respect and appreciation for one another.” Rutgers’ executive administration office is located at 7 College Avenue, 2nd Floor, New Brunswick, New Jersey 08901.

8. Rutgers is a “place of public accommodation” as defined within the NJLAD, N.J.S.A. 10:5-5(1).

9. Defendants John and Jane Does 1 to 100 and ABC Corps. 1 to 100 are fictitious individuals and entities, respectively, that may be responsible for the claims asserted herein and who have a duty to provide for the safety and security of all students within Rutgers and to adhere to and provide the protections and other legal requirements under the NJLAD, the Anti-Bullying Bill of Rights Act, N.J.S.A. 18A:37-13, *et seq.* (“ABR”), and other laws for implementing policies and procedures to prevent and address discrimination, retaliation, bullying, harassment or intimidation; the training and supervision of staff responsible for implementing said policies and procedures; and, the design and implementation of policies and programs consistent with the NJLAD and the ABR.

10. Herein, Defendants Rutgers, John and Jane Does 1 to 100, and ABC Corps. 1 to 100 are referred to herein collectively as “Defendants.”

11. Jonathan Holloway is President of Rutgers University (“President Holloway”); Chancellor Francine Conway is Chancellor of Rutgers’ New Brunswick Campus (“Chancellor Conway”); Dean Anne Newman is the Associate Vice Chancellor of Student Affairs (“Dean Newman”); Kerri Wilson is the Associate Dean of Students (“Dean Wilson”).

12. At all relevant times hereto, President Holloway, Chancellor Conway, Dean Newman, Kerri Wilson and John and Jane Does 1 to 100 is and are a member of Rutgers’s

“upper management” as that term is defined by *Cavuoti v. N.J. Transit Corp.*, 161 N.J. 107, 128-129 (1999).

13. The Rutgers University Student Assembly (“RUSA”), Rutgers Students for Justice in Palestine (“SJP”), Rutgers Muslim Student Association (“MSA”), Rutgers Black Students for Liberation (“BSL”), and Rutgers Muslim Feminists for the Arts (“MFA”) are all student organizations recognized by Rutgers pursuant to its policies and procedures, including but not limited to the Rutgers’ Standards of Conduct, Student Organization Policies and Procedures (the “Student Organization Policy”).² As a condition of recognition by Rutgers, student organizations, including the RUSA, SJP, BSL and MFA, “accept the rights and responsibilities outlined in this policy and in their organization’s governing department” and such organizations are to be held accountable by Rutgers under this policy.

14. The Rutgers Endowment Justice Collective (“EJC”) is an informal student organization formally recognized by Rutgers as a student organization pursuant to Rutgers’ policies and procedures. The EJC is effectively the alter ego of the Rutgers SJP, particularly acting as the SJP’s alter ego after the SJP was temporarily suspended by Rutgers on or about December 12, 2023. In fact, upon suspension of the EJC in December 2023, the EJC immediately held a protest at Rutgers.³ The EJC has been allowed by Defendants to operate on Rutgers campuses, including at its New Brunswick campus.

JURISDICTION & VENUE

15. The Superior Court of New Jersey has personal jurisdiction over each defendant because Defendants are citizens of the State of New Jersey and/or are employed, conduct business, or enrolled as students within the State of New Jersey.

² https://studentconduct.rutgers.edu/sites/default/files/pdf/STANDARDS-OF-CONDUCT_aug11.pdf

³ <https://patch.com/new-jersey/newbrunswick/students-justice-palestine-allowed-back-rutgers-campus>

16. The conduct, actions and omissions underlying this cause of action occurred, in significant part, in Middlesex County. Rutgers operates a campus in Middlesex County. Therefore, venue is properly laid in Middlesex County.

SUBSTANTIVE ALLEGATIONS

A. Defendants Must Provide Equal Access to Educational Opportunities and Resources

17. The State of New Jersey's laws and policies have a long tradition of protecting access to educational opportunities and resources.

18. Rutgers is obligated to create a safe, inclusive learning environment free from all forms of discrimination and retaliation for all members of the campus community, including Schafer and other Jewish students.

19. Rutgers' policies provide that a student's right of free expression does not extend to actions or behaviors that harass, threaten violence, or intimidate classmates, nor expression that violates the law or Rutgers' policies, including its Code of Student Conduct ("Student Code").⁴

20. Rutgers maintains the right, and the responsibility, to determine appropriate time, place, and manner restrictions to ensure that expressive activities do not interfere with the educational functions of Rutgers, as well as to provide protections for the public health, safety and welfare of plaintiff Schafer and its other Jewish students.

21. Further, there is no legal right to engage in expression that incites imminent lawless action, or discriminatory harassment. For example, students at Rutgers's New Brunswick campus do not have the right to engage in expression that discriminates against and targets Jewish students or people (whether actual or perceived), or that hinders their equal access

⁴ <https://studentconduct.rutgers.edu/processes/university-code-student-conduct>

to the resources and educational experiences at Rutgers. This includes, but is not limited to, the rights afforded to plaintiff Schafer under the NJLAD:

All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, ... without discrimination because of ... creed ... subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right. [N.J.S.A. 10:5-4.]

B. Antisemitism Defined

22. Various governmental and private bodies have recognized an increase in antisemitic expression and behavior since 2013, including on university and college campuses.

23. A working definition of “antisemitism” that has been adopted by various governmental entities is that of the International Holocaust Remembrance Alliance (“IHRA”), which provides that: “Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews.”⁵ The IHRA definition further states that:

Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity. However, criticism of Israel similar to that leveled against any other country cannot be regarded as antisemitic. Antisemitism frequently charges Jews with conspiring to harm humanity, and it is often used to blame Jews for “why things go wrong.” It is expressed in speech, writing, visual forms and action, and employs sinister stereotypes and negative character traits. *Id.*

24. Examples of antisemitism, taking into account the overall context, include:

- Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion.
- Making mendacious, dehumanizing, demonizing, or stereotypical allegations about Jews as such or the power of Jews as collective — such as, especially but not exclusively, the myth about a world Jewish conspiracy or

⁵

www.holocaustremembrance.com/resources/working-definitions-charters/working-definition-antisemitism

of Jews controlling the media, economy, government or other societal institutions.

- Accusing Jews as a people of being responsible for real or imagined wrongdoing committed by a single Jewish person or group, or even for acts committed by non-Jews.
- Denying the fact, scope, mechanisms (*e.g.* gas chambers) or intentionality of the genocide of the Jewish people at the hands of National Socialist Germany and its supporters and accomplices during World War II (the Holocaust).
- Accusing the Jews as a people, or Israel as a state, of inventing or exaggerating the Holocaust.
- Using the symbols and images associated with classic antisemitism (*e.g.*, claims of Jews killing Jesus or blood libel) to characterize Israel or Israelis.
- Holding Jews collectively responsible for actions of the state of Israel.

[*Id.*]

C. Rivka Schafer

25. Rivka Schafer is an Orthodox Jew.

26. Schafer identifies as LGBTQ+ and uses the pronouns “they” and “them.”

27. Schafer enrolled at Rutgers as an undergraduate student in the Fall 2023 semester.

28. On October 7, 2023, during Schafer’s first semester at Rutgers, Hamas launched several thousand rockets into southern and central Israel, while hundreds of Hamas terrorists crossed from the Gaza Strip into Israel as part of a surprise attack on the Jewish holiday of Simchat Torah.

D. Demarest Hall

29. Rivka is one of only a few Jewish students to live at Demarest Hall in the 2023-2024 academic year.

30. According to Rutgers, “Demarest Hall is a traditional residence hall built in 1950. Demarest hosts a number of special interest sections focused on subjects in the arts, humanities, and social sciences. These groups foster an engaged and diverse community as well as a noted pride for living in Demarest. The students of Demarest also host frequent events, including coffeehouses, art shows, drag shows, band nights, and more. There is a lot of variety in the dimensions and layout of rooms in Demarest, further contributing to its unique nature. Demarest Hall also offers inclusive housing options, allowing for co-roommate pairings, and providing gender-neutral bathrooms on the second floor.”⁶

31. Demarest Hall is “quite different from the traditional on-campus dorm. Most students actively choose to live there, rather than receiving it as part of their housing assignment. While the primary purpose is to house students, their tight-knit community for liberal arts-focused students is bustling, enriching, and the main selling point. Residents have the option to meet for weekly discussions of relevant topics in the humanities such as History/Poli Sci, Visual Arts, Cinema Studies, Improv, and Sex, Sexuality, and Gender.”⁷

32. According to residents, Demarest is colloquially known as the “gay dorm.”⁸

33. Schafer was drawn to Demarest Hill because of these unique features, and as someone who has struggled with feeling accepted, Schafer was particularly drawn to Demarest Hall’s perceived sense of inclusiveness for all individuals regardless of their identity, particularly in light of her Judaism and Queerness.

34. On or about October 15, 2024, there was a meeting at Demarest Hall with residents including Schafer. During this meeting at least one student expressed appreciation that there was a large death toll in Israel on October 7th. The other students showed their approval of

⁶ <https://ruoncampus.rutgers.edu/living-on-campus/college-ave/demarest-hall>.

⁷ <https://studentaffairs.rutgers.edu/news/why-you-should-consider-living-demarest-hall>.

⁸ *Id.*

this comment by “snapping” – the typical manner by which Demarest Hall residents show their agreement. The other students were also extremely aggressive in their commentary about Israel. As a result of this conduct by her fellow residents, Schafer left the meeting scared and “shaking.”

35. On information and belief, in the aftermath of the October 7th massacre, a Mezuzah – a Jewish prayer scroll affixed to the doorposts of Jewish person’s homes – was taken from the doorpost of a Jewish student’s dorm room in Demarest Hall and later found in the women’s bathroom – a clear act of antisemitism. After this antisemitic incident occurred, which was reported to Rutgers, Rutgers did not enact any additional safety features to protect Jewish students residing at Demarest Hall, including Schafer.

36. These incidents gave notice to Rutgers, that Jewish students at Demarest Hall were being targeted.

E. Rutgers Permits BDS Referendum

37. On or about March 7, 2024, the RUSA passed Resolution No. 17S24-04 (the “BDS Resolution”) to add the following two referendums to the ballot for the Spring 2024 Assembly elections for the Rutgers New Brunswick/Piscataway campuses:

1. Should Rutgers, The State University of New Jersey, divest its endowment fund from companies and organizations that profit from, engage in, or contribute to the government of Israel’s human rights violations?
2. Should Rutgers, The State University of New Jersey terminate its partnership with Tel Aviv University, including in the New Jersey Innovation and Technology Hub.⁹

This resolution was made in connection with the BDS campaign, which is “an international campaign aimed at delegitimizing and pressuring Israel, through the diplomatic, financial,

⁹ <https://drive.google.com/file/d/1iiRTaUKVgBngwaIxMKE0AOku01EzciI0/view>.

professional, academic and cultural isolation of Israel, Israeli individuals, Israeli institutions, and, increasingly, Jews who support Israel's right to exist."¹⁰

38. There is no reference to this BDS Resolution within RUSA's minutes for the March 7, 2024 meeting or any other meeting held by the RUSA. Rather, on information and belief, RUSA entered into a Closed Session for a portion of this meeting and it is believed that during this closed session, RUSA discussed and passed this BDS resolution.¹¹

39. According to the BDS Resolution, it was created, passed the Academic Affairs Committee, presented to the Assembly, and passed the Assembly all on the same date: March 7, 2024. *See* fn. 9, *supra*.

40. On information and belief, RUSA suspended portions of its Constitution and/or Standing Rules to allow this BDS referendum to be created, pass the Academic Affairs Committee, be presented to the Assembly, and pass the Assembly all on the same date.

41. The Rutgers BDS resolution was sponsored by the RUSA Academic Affairs Committee, SJP and the EJC.

42. On information and belief, there are two Jewish students who are members of RUSA and neither of those students were present at the March 7, 2024 meeting.

43. The BDS referendum was met with resistance, including by Jewish persons, including but not limited to students, faculty members¹² and outsiders¹³, who feared that allowing this BDS referendum to proceed would further worsen conditions for Jewish persons at Rutgers.

¹⁰ www.adl.org/resources/backgrounder/boycott-divestment-and-sanctions-campaign-bds.

¹¹ <https://docs.google.com/document/d/18I0s0vN9JrqCA02SM7OP2HaJI6w6Nqxa0PQCux4T90Y/edit>.

¹² <https://dailytargum.com/article/2024/03/letter-to-the-editor-proposed-academic-boycotts-bds-diminishes-u-harms>

¹³ <https://www.algemeiner.com/2024/03/25/rutgers-must-protect-jewish-students-from-antisemitic-referenda/>

44. Reports have documented that BDS “activism”, including referenda similar to the BDS referendum proposed at Rutgers, create tensions on college campuses “that can result in the isolation and intimidation of Jews and supporters of Israel. With the focus on negating Israel and its supporters, BDS campaigns may create an environment in which antisemitic actions and expressions may be emboldened.” *See* fn. 10, *supra*.

45. BDS initiatives are contrary to the public policy of the State of New Jersey. In 2016, New Jersey overwhelmingly passed an anti-BDS law which requires that state pension funds be divested from any company that engages in a boycott of the State of Israel; New Jersey has invoked this legislation against offenders, including Unilever and Danske Bank.¹⁴

46. Despite the fact that BDS is against the clearly stated public policy of New Jersey, Rutgers, the State University of New Jersey, including by and through President Holloway, allowed this BDS referendum to proceed to a campus-wide vote on New Brunswick campus during the week of March 25, 2024.

47. President Holloway, by his own admission, received communications demanding that he stop this vote from happening but he refused to do so.¹⁵

F. Schafer Targeted at Demarest Hall for Being Jewish

48. On March 28, 2024, around 7:30 am, Schafer woke up and opened their door and saw a poster plastered right outside their room which contained a photograph of Schafer. This photograph was taken two days before at an event Schafer participated in during which time Jewish students showed their support for Israel and the Jewish community. Surrounding the photograph on this poster were the words “Free Palestine,” “Free Gaza,” & “Vote ‘Yes’ to

¹⁴ See *Id.*; N.J.S.A. 52:18A-89.13 (“The State is deeply concerned about the Boycott, Divestment and Sanctions (BDS) effort to boycott Israeli goods, products, and businesses which is contrary to federal policy articulated in numerous laws.”); N.J.S.A. 52:18A-89.14 (prohibiting investment of State pension and annuity funds in companies that boycott Israel or Israeli businesses).

¹⁵ <https://www.rutgers.edu/president/regarding-the-rusa-referenda>

Divest” – the latter statement being a clear reference to the ongoing BDS referendum vote being held at Rutgers at this time. This poster is shown below:



49. Schafer was terrified seeing this poster placed right outside their dorm room, started crying and walked down the hallway only to see the same poster plastered throughout the 2nd floor of Demarest Hall.

50. Schafer’s fears increased and Schafer then knocked on the door of Demarest Hall’s Resident Advisor, Nico, who saw the poster and began walking through Demarest Hall. Nico told Schafer that these posters had been placed throughout Demarest Hall.

51. The Rutgers University Police Department (“RUPD”) police were alerted to this incident and they conducted an investigation.

52. On or about April 30, 2024, summonses were issued to Illissa R. Forman (“Forman”) and Kiara J. Wagner (“Wagner”), charging them each with N.J.S.A. 2C:33-4C, Harassment – Any Other Alarming Conduct, in connection with this incident.

53. Ms. Forman is a Rutgers undergraduate student.

54. Ms. Wagner is a Rutgers undergraduate student.

55. To the best of Schafer’s knowledge, Schafer has never met, interacted with, or otherwise encountered Ms. Forman or Ms. Wagner.

56. Schafer filed Student Conduct Complaints with Rutgers alleging that these actions are in violation of Rutgers’ Student Code and its Student Organization Policy. The disciplinary proceedings are pending at this time.

57. In sum, Schafer, a Jewish first-year student at Rutgers, was targeted by fellow students for being openly Jewish and supporting the only Jewish-nation, Israel. Schafer felt targeted for being Jewish and their religious beliefs. The message to Schafer and other Jewish students was clear: “Don’t support Israel, we know where you sleep.”

58. Furthermore, this conduct was done to harass, intimidate and bully Jewish students, to create a hostile school environment for Jewish students and to suppress the vote of Jewish students, including Schafer with respect to the pending BDS referendum.

G. President Holloway Defends BDS Referendum

59. Despite being placed on notice that the BDS referendum would further inflame passions on its New Brunswick campus, Rutgers allowed the BDS referendum vote to proceed.

60. Following the incident in which Schafer was targeted for being Jewish in their dormitory, and after the BDS referendum vote had closed, President Holloway issued a statement

on April 1, 2024 which was disseminated via e-mail to the entire Rutgers student body¹⁶. In this statement, President Holloway defended his decision to not stop the BDS referendum vote by rationalizing, *inter alia*, that he “trust[ed] Rutgers students to engage in **responsible civic practices**.” (emphasis added).

61. The targeting and bullying of Schafer was anything but a “responsible civic practice” and is the exact type of incident that Rutgers, including by and through President Holloway, were warned was likely to occur if Rutgers allowed the inciteful BDS referendum to proceed.

62. Yet, President Holloway made no mention of the incident with Schafer in his statement nor has he done so to date. This is despite the fact that President Holloway, Chancellor Conway and Dean Newman were made aware of the incident involving Schafer, including on March 28, 2024 in an email from Lisa Harris Glass, chief executive officer of Rutgers Hillel (“Glass”).

63. In this email, Ms. Glass reiterated to President Holloway, Chancellor Conway, and Dean Newman that:

As we warned earlier, campuses undergoing BDS referenda/legislation, experience increased incidents of antisemitism. This will not end with the conclusion of voting. Data shows us that the climate of increased antisemitism will continue at an escalated rate (up to 300%). We know that this is happening and that many bias reports have been received by the university. Rivka has been targeted, intimidated, and threatened where they live. A hostile environment has been created for them; a clear violation of housing policy. Secondarily, this is a violation of the flyer-posting policy.

We are calling on you to take whatever steps are necessary to protect Rivka Schafer.

¹⁶ <https://www.rutgers.edu/president/regarding-the-rusa-referenda>

Additionally, this is an illegal and intimidating election tactic. It speaks to the hostility and intimidation being experienced by Jewish students on campus due to the campaigns regarding the referenda. We are requesting that the administration step in to cancel and nullify voting on the referenda; as was done in other schools; including University of Michigan, the Ohio State University and Vanderbilt University.

64. Moreover, by the March 28, 2024 email to various Rutgers administrators, including President Holloway and Chancellor Conway, with the subject line: “URGENT – Jewish Community Leader Concerns Regarding BDS,” 8 (eight) Jewish students desperately pleaded with President Holloway to remove this referendum immediately and close the elections to send the message that Rutgers is “NOT a breeding ground for antisemitism and hate.”

65. Rutgers, including by and through, President Holloway chose not to send that message of support for the Jewish community of Rutgers and allowed the vote to continue.

66. In this March 28, 2024 email, the Jewish students explicitly cited the incident earlier in the day involving Schafer, stating that this incident “is a clear example of how this referendum is already worsening the campus climate and creating a hostile environment.”

67. In this same email, the Jewish students stated that “We are already terrified to be Jewish on this campus; the passage of this referendum will only make it worse” and cited other incidents of antiemitic conduct including:

- Cyberbullying of another student who received death threats via Instagram stating “watch your back double chin” from an account called “fuckzionism”; and
- At the March 26, 2024 March for Israel held on Rutgers’s New Brunswick campus, Jewish students were spat at and Jewish students were yelled at, called “white supremacists” and “baby killers.”

68. Nonetheless, Rutgers allowed the BDS referendum to conclude its voting despite the clear warnings of its inciteful nature and evidence of discriminatory, bullying, intimidating, and harassing conduct directed at Jewish students, including Schafer.

69. The BDS referendums – having been allowed to proceed to their end by Rutgers, including by and through President Holloway, passed – with 80% of those who voted agreeing that the school should divest its endowment fund "from companies that profit from, engage in, or contribute to the government of Israel's human rights violations" and 71% of voters agreeing that the university should end its relations with Tel Aviv University.¹⁷

70. The decision by Rutgers, including by and through President Holloway, to allow the BDS referendum to proceed uninhibited, is an example of Rutgers, including President, has failing to take proper action to address the concerns of a hostile school environment for Jews at Rutgers campus, to the detriment of Jewish students, including Schafer. At the same time, Rutgers has treated similarly situated non-Jewish students more favorably, including rewarding the SJP and other student organizations for breaking the law and violating school policy. *See ¶ 104, infra.*

H. President Holloway's Town Hall Meeting

71. On April 4, 2024, just 3 days after President Holloway issued his statement concerning the BDS referendum, he held a town hall meeting to allow for students to ask him questions. Students were required to submit questions ahead of time and President Holloway would not take questions from the crowd.¹⁸

¹⁷ <https://www.aol.com/rutgers-students-brunswick-campus-vote-131444355.html>

¹⁸ <https://dailytargum.com/article/2024/04/holloway-rusa-town-hall-ends-early-following-calls-for-divestment-from>

72. Therefore, prior to the meeting being held, the topics were well known to Rutgers, including President Holloway, and it was fully expected that the topic of the BDS referendum would be raised.

73. Despite still reeling from the incident a week earlier, Schafer joined other fellow Jewish students and attended President Holloway's town hall meeting as Schafer and other Jewish students wanted to hear President Holloway answer questions about the BDS referendum and how the school planned to protect Jewish students.

74. In addition, students who supported the BDS referendum, including those affiliated with the SJP and EJC, were also present.

75. Rather than have their questions of how Rutgers would protect Jewish students answered directly, the Jewish students, including Schafer, had their questions answered by the actions and inactions of President Holloway and other Rutgers administrators in the face of disruptive, antisemitic, bullying, intimidating and harassing conduct on the part of students who supported the BDS referendum, including those affiliated with the SJP and/or EJC.

76. During the question-and-answer session, President Holloway was shouted at by certain students, including those affiliated with the SJP and EJC, about the BDS referendum. The shouting continued, but rather than having security remove these disruptive individuals, President Holloway allowed the behavior to continue, ended the meeting early, walked off the stage and exited the meeting along with other Rutgers administrators and staff members.¹⁹

77. In doing so, Rutgers and President Holloway left the Jewish students, including Schafer, to fend for themselves against a mob of angry students who outnumbered the Jewish students and who began angrily chanting antisemitic rhetoric.

¹⁹ <https://www.youtube.com/watch?v=YeQ8iQDzSLU>

78. These chants included repeated chanting of “Long Live the Intifada,” “Globalize the Intifada,” “Long Live Resistance”²⁰ “From the River to the Sea, Palestine Will Be Free”, “All Zionists Are Racists” as well as calls to for a 1-state solution (implying the eradication of Israel, the only Jewish nation)²¹.

79. These terms are instruments of intimidation, harassment, and bullying. According to the American Jewish Committee, Jewish persons perceive the term “intifada” to be antisemitic and a call to target and kill Jews, and persons or institutions that support Israel around the world. The First Intifada occurred from 1987 to the early 1990s and consisted of a period of widespread Palestinian protests, civil disobedience, and acts of violence and terrorism against Israelis. The Second Intifada, also known as the Al-Aqsa Intifada, occurred from late September 2000 until 2005 and consisted of widespread protests, demonstrations, and suicide bombings, resulting in approximately 1,000 Israelis killed or injured by Palestinian terror attacks, including suicide bombings in civilian areas and passenger bus bombings. The phrase: “Globalize the Intifada” calls for people from around the globe to participate in rising up against Israel. “Since the phrase is most closely associated with the violence of the First and Second intifadas, indiscriminate use encourages targeting institutions, and individuals around the world who show support for Israel, which includes the majority of Jews.”²²

80. Accordingly, a reasonable Jewish student of the same age and maturity level as Schafer would consider calls to “Globalize the Intifada,” “Long Live the Intifada” and other similar rhetoric to be antisemitic and to create an intimidating, hostile and/or offensive school environment.

²⁰ <https://www.instagram.com/cameraoncampus/reel/C5g1SZ-C0X5/>

²¹ <https://www.foxnews.com/video/6350431547112>

²² www.ajc.org/translatehate/Globalize-the-Intifada.

81. When President Holloway left, he did so with RUPD and/or other security, reducing the number of security personnel that could protect Jewish students.

82. President Holloway's spineless act of turning his back on Jewish students and leaving them to fend for themselves helped to further increase the fears of Jewish students, including Schafer and further increased an already hostile school environment for Jewish persons.

83. Eventually, Jewish students, including Schafer, in the face of this angry crowd that was clearly hostile towards Jewish students, requested the assistance of the RUPD to leave the building for their safety. Many of these Jewish students, including Schafer, were escorted out the back of the building. In short, Jewish students were forced to flee out the backdoor.

84. Just like the message to Schafer was "Don't Support Israel – you aren't safe in your room," the message to Jewish students who attended the town hall meeting was similarly, "You aren't safe anywhere at Rutgers." The actions and inactions of Defendants, only served to reinforce that dangerous message to Jewish students.

85. To date, there has been no discipline imposed against any student, student organization, including the SJP or EJC, and/or any outside agitator for their/its conduct at the Town Hall meeting.

I. Demarest Hall Targeted with Graffiti

86. On April 18, 2024, Schafer went outside and saw that the following had been spray painted on the steps of Demarest Hall:



87. As a Jew, this made Schafer feel unsafe and scared, again feeling targeted where they sleep.

88. Schafer immediately filed a Student Conduct Complaint with Rutgers concerning this graffiti.

89. Prior to this, there have been other reports of similar graffiti appearing on Rutgers's New Brunswick campus, including graffiti depicting Palestinian hijacker Leila Khaled ("Khaled") holding a machine gun. Khaled hijacked 2 planes in 1969 and 1970 as part of the group the Popular Front for the Liberation of Palestine, a U.S. designated terrorist group. Khaled is a convicted terrorist and has justified the October 7th massacres.²³

90. To date, Plaintiff is unaware of whether disciplinary action has been taken against any individual or organization for these graffiti incidents.

J. Illegal Encampments at Rutgers

91. It has been well documented that beginning in April 2024, students, faculty members and outside agitators unaffiliated with the school have begun illegally occupying space

²³ <https://longisland.news12.com/graffiti-of-former-palestinian-militant-leila-khaled-found-spray-painted-at-rutgers-university>

on U.S. college campuses – referred to as “encampments” – and refusing to vacate unless and until their demands are met concerning the Jewish state of Israel.²⁴ These encampments have descended into chaos and resulted in widespread antiemitic conduct, including restrictions on the movements of Jewish students, antisemitic language and chanting, support for the October 7th massacres and violent attacks on Jewish students²⁵.

92. On or about April 29, 2024, encampment began at Rutgers, on its New Brunswick campus. These encampments included students and were led by the SJP, EJC, MSA, BSL, and MFA²⁶.

93. On or about May 1, 2024, encampment began at Rutgers, on its Newark campus.²⁷

94. The encampments also included faculty and staff members, who facilitated and encouraged the encampments, including Rutgers Professor Noura Erakat²⁸ who has a disturbing history of antiemitic conduct, including leading a large protest in the antisemitic chant of “*From the River to the Sea*,” engaging in October 7th denials²⁹ while simultaneously praising Hamas’s actions on October 7th³⁰ and referring to Hamas as a “rational actor.”³¹

95. This encampment coincided with the finals period for Rutgers students and one of the SJP’s explicitly stated goals was to force the cancelling of finals, including by posting the following³² and encouraging students to write to their professors to cancel finals³³.

²⁴ <https://www.foxnews.com/live-news/may-3-police-arrests-campus-protests-encampments>

²⁵ <https://www.youtube.com/watch?v=ecD39KFX6oU>; <https://nypost.com/2024/05/03/us-news/education-chief-cardona-condemns-aborrent-antisemitism-in-letter-to-universities-as-anti-israel-rioters-take-over-college-campuses/>

²⁶ https://www.instagram.com/p/C6Wr2qouj_D/?hl=en&img_index=1

²⁷ <https://www.nj.com/education/2024/05/rutgers-newark-students-set-up-pro-palestinian-encampment.html>

²⁸ <https://twitter.com/thestustustudio/status/1786461890345836555>

²⁹ www.instagram.com/reel/CzKLCnWLalp/.

³⁰ <https://twitter.com/thestustustudio/status/1751148758912336033>;

³¹ <https://twitter.com/thestustustudio/status/1751149042292154736>

³² <https://twitter.com/thestustustudio/status/1785892112627794386/photo/1>



96. The encampments included antiemetic writings, including “Globalize the Intifada,”³⁴ “Long Live the Intifada”³⁵ and “Welcome to the Intifada” (depicted below”):



³³ <https://twitter.com/thestustustudio/status/1785892116104667255>

³⁴ <https://twitter.com/SJPRutgersNB/status/1785103539951296645/photo/4>

³⁵ <https://twitter.com/SJPRutgersNB/status/1785103646289522994/photo/2>

97. The encampments further inflamed an already hostile school environment towards Jewish students, including Schafer, and Rutgers' tolerance of this unlawful behavior only further served to enforce that the safety of Jewish students was lacking at Rutgers.

98. Rutgers allowed this encampment to persist on its New Brunswick campuses for 4 days, despite the fact that it clearly violated Rutgers policies, including the Rutgers Code of Student Conduct, Student Organization Policy and the Student and Student Organization Guidelines for Free Expression on Campus ("Free Expression Policy")³⁶ and that the behavior of the participants at the encampment facilitated Rutgers cancelling certain finals³⁷.

99. Policy violations of the Free Expression Policy include but are not limited to:

2.0 Time Place and Manner

Activities must be conducted in a way that are consistent with federal, state and local laws.

Activities must be conducted in a way that are consistent with the rules, regulations, and policies of Rutgers University including the University Code of Student Conduct.

Activities must allow for the continuation of academic activities and university-sponsored events.

3.0 Designated Areas

Omitting Voorhees Mall as a designated area approved for "small and large group demonstrations and expressive activities on the College Avenue Campus.

7.0 Operating Procedures for all Demonstrations

No amplification of sound is permitted, except for vigils. Bull horns are not considered amplified sound and are permitted.

Individuals may not block or interfere with vehicular, bicycle or pedestrian traffic.

³⁶ <https://studentsupport.rutgers.edu/sites/default/files/pdf/Free-Expression-on-Campus-Guidelines.pdf>

³⁷ <https://newbrunswick.rutgers.edu/chancellor/communications/protest-voorhees-mall>

Individuals may not block or prevent others from entering and exiting campus buildings.

Individuals may not obstruct, disrupt, attempt to force the cancellation of any event or activity sponsored by the university or by anyone authorized to use university facilities.

Individuals shall not harass or be verbally or physically threatening or intimidating.

Individuals shall comply with the directions of a university official acting in the performance of his/her duties.

University property must be protected at all times.

Placing or building structures is prohibited without expressed permission by Rutgers University. Structures established without permission will be removed and the sponsoring organization, department, individual will be responsible for all related costs...

Overnight camping is not a form of expression and, therefore, will not be permitted without prior permission from Student Centers and Activities in coordination with Institutional Planning and Operations.

100. Rutgers knew or should have known that the encampments violated its own policies.

101. In fact, President Holloway and Chancellor Conway were explicitly told of the aforementioned violations of the Free Expression Policy by Ms. Glass in a May 2, 2024 email.

102. This email further notified President Holloway and Chancellor Conway of a May 1, 2024, social media message from Wilhelm McGinnis which read ""Everybody! If you care about the plight of Palestinians, show the FUCK up to voorhees mall tomorrow morning at 7:30 AM to help us disrupt finals with noise and get our escalation demands met! Bring instruments! Bring drums, and anything to make noise!"

103. Instead of enforcing its policies, Rutgers allowed the encampments to persist for days on its New Brunswick campus and have continued to allow the Newark campus encampments to continue to present.

104. Further troubling, rather than disciplining those who break the law and violate school policy, on or about May 2, 2024, Rutgers rewarded students, faculty members, staff members and outside agitators for their illegal actions which violated school policy and agreed to 8 out of their 10 demands. In doing so, Rutgers indicated that it will not discipline any student, faculty member (including Professor Noura Erakat), or staff member for their involvement in the New Brunswick campus encampments.³⁸

K. Rutgers Ignores or Denies Requests of Jewish Persons

105. At the same time Rutgers was rewarding and absolving non-Jewish students who broke the law and violated school policy, Rutgers has ignored and/or denied the requests of Jewish persons to implement policies, procedures, protocols, and other measures designed to help facilitate a safe school environment for Jewish persons, including Jewish students such as Schafer.

106. By way of example, on or about December 11, 2023, Jewish Faculty, Administrators, and Staff (“JFAS”) submitted proposals to Rutgers to address antisemitism at Rutgers.

107. JFAS is an informal group founded in 2016 that brings together Jewish employees of Rutgers around issues of shared interest and concern.

³⁸ <https://newbrunswick.rutgers.edu/chancellor/communications/conclusion-protest-voorhees-mall>;
https://newbrunswick.rutgers.edu/sites/default/files/2024-05/response_05022024_2.pdf

108. Since the October 7th massacres, JFAS activity increased significantly as a result of the alarming rise in antisemitism that many employees and students at Rutgers have experienced in the workplace, the classroom, and other settings across the university.

109. JFAS submitted its proposals with the stated purpose to guide Rutgers's administration in fulfilling its responsibility to understand, address, and mitigate antisemitism at Rutgers.

110. JFAS's proposals were done with the intent to help facilitate a safe school environment for Jewish persons, including Jewish students such as Schafer.

111. Rutgers, including by and through President Holloway, largely ignored and/or rejected JFAS's proposals. This despite the fact that JFAS, in submitting written requests, did not violate the law or any school policy in the manner that those non-Jewish students and faculty members who participated in the encampment did.

112. When compared to Rutgers's handling of the demands by the SJP and others who participated in the New Brunswick encampments from April 29 to May 2, 2024, Rutgers' refusal to implement policies, procedures, protocols and other measures designed to help facilitate a safe school environment for Jewish persons, including Jewish students such as Schafer, is another example of disparate treatment of Jewish persons, including Schafer.

L. Schafer Targeted by Encampment Participant

113. During the encampments, Schafer was present to personally observe the antisemitic and hostile conduct.

114. On May 2, 2024, Schafer and other Jewish students were directly targeted by a female participating in the encampment – believed to be a Rutgers student.

115. Specifically, this student, directing her conduct at Schafer and other Jewish students in the vicinity, taunted them and told Schafer and other Jewish students that “Hitler would have loved you.”³⁹ This student further attempted to defend Hamas while equating their actions with the German Jews of the Warsaw Ghetto who fought back against the Nazi regime.⁴⁰

116. Schafer has filed a Student Conduct Complaint and Bias Incident Report concerning this incident.

117. To date, disciplinary action has not been taken against any student or student organization for this incident.

M. Rutgers Forbids Jewish Students From Hosting a Barbeque

118. While at the same time Rutgers tolerated, condoned and/or facilitated the encampments, Jewish students at Rutgers, including Schafer, were planning to host an End of Semester Barbeque at the same location of the encampments: Voorhees Mall. The flier for the Barbeque stated: “LETS PEACEFULLY SHOW OUR ZIONIST PRIDE AND SPIRIT.” The Barbeque was to last for only 2 hours.⁴¹

119. Rutgers, including by and through Kerri Wilson, Associate Dean of Students (“Dean Wilson”), forbid the Jewish students from hosting this event on Rutgers’ campus, including suggesting that the Jewish students would be disciplined and possibly arrested if they go forward with the event on campus. As a consequence, the Jewish students, unlike those who participated in the encampments, complied with Rutgers’s policies and demands, changed the location of the event last second and held it at an off-campus site.

³⁹ <https://twitter.com/StopAntisemites/status/1786165109624074729>

⁴⁰ <https://twitter.com/StopAntisemites/status/1786170314302410881>

⁴¹ <https://nypost.com/2024/05/04/us-news/rutgers-forces-jewish-bbq-off-campus-gives-into-anti-israel-encampments-demands/>

120. Schafer was one of the students who planned to attend the Barbeque if it was held on campus and they ultimately attended the Barbeque at its off-campus site.

121. Rutgers denied Schafer (and other Jewish students) the opportunity to enjoy a barbeque with Jewish students on campus.

122. Around the same time, Rutgers would not allow Jewish students to host a peaceful barbeque, Rutgers allowed individuals, including students and faculty members such as Professor Noura Erakat to illegally utilize campus property to target, harass, intimidate and bully Jewish persons, including Jewish students such as Schafer, and to express open support for a designated terrorist organization (Hamas).

123. The acts and omissions of Rutgers, in prohibiting Jewish students, including Schafer from participating in a barbeque on Rutgers campus, while simultaneously allowing the encampments and rewarding those who participated and facilitated the encampments – rather than disciplining them – is an example of the manner in which Rutgers treats Jewish students, such as Schafer, less favorably than non-Jewish students similarly situated.

N. Students for Justice in Palestine (SJP)

124. The SJP has played a critical role in creating a hostile school environment for Jewish students, including Schafer, including but not limited to the above-noted BDS referendum, disruption of the April 4, 2024 Town Hall Meeting, and the recent Encampment.

125. Through Defendants' acts and omissions, the SJP's bullying, intimidating, and harassing conduct towards Jewish students has been allowed to persist and the SJP has escalated its efforts to bully, intimidate, harass, target and discriminate against Jewish persons at Rutgers over time.

126. A 2015 Brandeis University study also put Rutgers on notice that “one of the strongest predictors of perceiving a hostile climate toward Israel and Jews is the presence of an active [SJP] group on campus.”⁴²

127. In April 2022, after attending an SJP rally event at Rutgers called “Defend Al-Aqsa, Defend Palestine,” attendees of the SJP event thereafter sought out Jewish students, whom they spat at, engaged in antisemitic chants, and yelled slurs at Jewish students, including “terrorists” and “baby killers.”⁴³

128. Following October 7th, SJP escalated its efforts to bully, intimidate, harass, target, and discriminate against Jewish persons at Rutgers.

129. The SJP made statements after the October 7th terrorist attack stating it was “justified retaliation,” and referring to Hamas as “freedom fighters” including during an event held on Rutgers’s New Brunswick campus at or near Brower Commons.⁴⁴

130. In an interview by PBS relating to the climate at Rutgers after the attack, a Rutgers student publicly stated “I have some **friends who have never considered taking off their kippah, which is their religious head covering, to go to class and, right after this, started considering that, which is really terrifying**” and “frankly, **this has turned into a lot of antisemitism**. And I don’t want to put myself into harm’s way.” *Id.*

131. On October 12, 2023, the very same day that terrorist group Hamas called for violence against Jews in furtherance of its October 7th attack, Defendants permitted the SJP to promote and hold a so-called “Day of Resistance.” An objectively reasonable person would

⁴² www.brandeis.edu/cmjs/noteworthy/ssri/hotspots-antisemitism.html

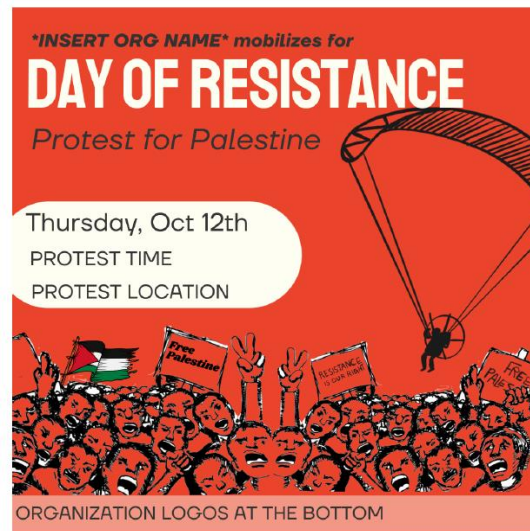
⁴³ www.jpost.com/diaspora/antisemitism/article-705507 (emphasis added).

⁴⁴ www.pbs.org/newshour/show/israel-hamas-war-leads-to-heated-debate-and-protests-on-college-campuses (emphasis added).

interpret SJP's protest to be in response to, and furtherance of, Hamas' call to extend violent confrontation against Jews across the globe, including bringing it to Rutgers.⁴⁵

132. Defendants approved or permitted the SJP "Tool Kit" to be distributed across its campuses. The Tool Kit celebrates and justifies the October 7th terrorist attack, calls for the extermination of Israel, and that violence against Jews is justified and necessary:

133. Also telling, the SJP "Tool Kit" included marketing materials clearly intended to intimidate and harass Jewish students on campus. For example, the SJP poster below commemorates and celebrates Hamas' use of paragliders in the October 7th terrorist attack, a symbol referring and alluding to the music concert near Re'im where Hamas committed mass murders, kidnappings, rapes and mutilation of young civilians.



134. For context, Rutgers' SJP is the local chapter of the National Students for Justice in Palestine ("NJSP"). NJSP was founded by the AJP Educational Foundation, Inc., a/k/a American Muslims for Palestine, ("AMP").

⁴⁵ www.adl.org/students-justice-palestines-day-resistance#:~:text=On%20October%2012th%2C%20Students%20for.terrorism%20and%20violence%20in%20Israel.

135. On May 1, 2024, a lawsuit was filed against the NJSP and AMP alleging their activities in the United States are as collaborators and propogandists for Hamas, which the U.S. has designated as a Foreign Terrorist Organization. That lawsuit was filed on behalf of victims of the October 7th massacre. The suit further contends that the AMP and NJSP are merely the current iterations of prior entities that were determined by the U.S. Government to be supporters of Hamas.⁴⁶ See *Parizer et al. vs. AMP et al.*, No. 1:24-cv-724 (E.D. Va.). The factual assertions contained therein are incorporated herein by reference.

136. On or about November 27, 2023, the SJP illegally and in violation of school policy took over the Rutgers Business School and disrupted classes.⁴⁷

137. Nonetheless, Rutgers allowed the SJP to continued operating as an approved student organization until December 11, 2023, when it finally issued an interim suspension.⁴⁸

138. Yet, only a month later, on or about January 17, 2024, Rutgers reinstated the SJP.⁴⁹

139. On the same day it was reinstated, the SJP held a “press conference” issuing demands to Rutgers, including President Holloway. The press conference was led by 3 students who covered their faces and made demands from President Holloway.⁵⁰ The SJP concluded their speech with “Long live the Intifada, Globalize the Intifada...”⁵¹ Further, SJP uses, and has encouraged others to use, this terminology -- “Long live the Intifada” “Globalize the Intifada” –

⁴⁶ www.gtlaw.com/en/news/2024/05/press-releases/greenberg-traurig-national-jewish-advocacy-center-schoen-law-firm-and-holtzman-vogel-represent-american-and-israeli-victims-of-hamas#:~:text=NEW%20YORK%20%E2%80%93%20May%201%2C%202024%20for%20the%20Eastern%20Division%20of.

⁴⁷ [https://edworkforce.house.gov/uploadedfiles/joe_j_gindi_testimony.pdf.](https://edworkforce.house.gov/uploadedfiles/joe_j_gindi_testimony.pdf)

⁴⁸ [www.northjersey.com/story/news/education/2023/12/12/rutgers-university-suspends-students-justice-palestine-chapter-protests/71892078007/.](http://www.northjersey.com/story/news/education/2023/12/12/rutgers-university-suspends-students-justice-palestine-chapter-protests/71892078007/)

⁴⁹ <https://dailytargum.com/article/2024/01/sjp-announces-reinstatement-discusses-experience-with-appeal-process.>

⁵⁰ <https://www.foxnews.com/us/rutgers-university-lifts-suspension-students-justice-palestine-chapter-places-group-probation.>

⁵¹ <https://x.com/thestustustudio/status/1747703431425343633.>

and other similar language at Rutgers, including in the vicinity of Jewish persons, including Schafer.

140. Since Rutgers reinstated SJP, it has continued to engage in actions that further intensified the hostile educational environment for Plaintiff Schafer and other Jewish students.

141. To date, Rutgers has not disciplined the SJP further, despite its clear violations of the law and school policy while on probationary status.

142. At present, Rutgers continues to allow the SJP to operate as a student organization and to escalate the hostile school environment for Jewish persons, including students at Rutgers such as Schafer.

O. Rise of Antisemitism at Rutgers

143. In October 2022, the executive director of Rutgers Hillel, Rabbi Esther Reed, testified before the U.S. House Committee on Homeland Security regarding rising levels of antisemitism at Rutgers and other campuses, warning that “antisemitism on campus has risen to unprecedented levels” with “more than triple the number of incidents [since] four years ago,” including “in the form of graffiti, physical assault, social media rhetoric, and the social exclusion of Jewish students.”⁵²

144. Rabbi Reed also testified regarding specific incidents at Rutgers, including:

- AEPi, a Jewish fraternity, was egged while students were participating in the solemn, 24-hour memorial practice of reading aloud names of Holocaust victims on Holocaust Memorial Day, and were egged again on the major Jewish holiday, Rosh Hashanah.
- The tires of Jewish students’ cars were slashed.

⁵² <https://docs.house.gov/meetings/HM/HM00/20221003/115162/HHRG-117-HM00-Bio-ReedR-20221003.pdf>

- White supremacist groups posted antisemitic recruitment flyers.
- Jewish students at the Rutgers’ Newark campus report that they keep their heads down and hide their Jewish identities so they can avoid trouble.

One stated, “***Every day I am stressed about going to school. When it was announced that we were returning to in person classes, I was not excited because it is so unpleasant being a Jew on the Rutgers Newark campus. Every single morning, I need to think about things when getting ready for school:***

- *Am I dressed too Jewish?*
- *Do I look too Jewish?*
- *Does my shirt have Hebrew on it?*
- *I can’t wear something if it says the word, Israel.*

It has become a habit that as I leave the parking deck, I check to make sure my necklace is in my shirt.” [Id. (Emphasis added).]

145. As far back as 2016, Jewish students complained that Rutgers tolerates and does not take antisemitic incidents on campus seriously.⁵³

146. More recently, other Rutgers students have complained about an increase in hostility, including death threats against Jews online and harassment of Jewish fraternity members – including a carload of people outside of the Jewish fraternity throwing eggs at students walking into the house and shouting antisemitic vulgarities, and the next day, plastic bullets and an empty gas canister were placed outside the Rutgers Hillel.⁵⁴

⁵³ www.algemeiner.com/2016/02/21/jewish-student-bemoans-rutgers-response-to-swastika-on-apartment-ceiling/.

⁵⁴ www.northjersey.com/story/news/2023/11/29/rutgers-university-donors-suspend-donations-citing-antisemitism-on-campus/71680137007/.

147. The hate, and fear for safety, is so palpable that Rutgers Hillel (a Jewish students organization) had to install bollards in front of one of its buildings to prevent a car from ramming through and harming Jewish students, as well as new fencing at a facility to prevent intruders from entering. *See* fn. 52, *supra*.

148. In short, for years Rutgers has been acutely aware of the escalating pattern of antisemitic incidents at Rutgers, the open intimidation and harassment of Jewish students, and that Jewish students reported growing climate of fear and a lack of protection at Rutgers.

149. Also significant, a study has shown a strong correlation between the rise in antisemitic incidents on a campus and the faculty's conduct. The researchers determined that schools with "five or more faculty who had expressed support for academic BDS [boycott, divestment, and sanctions] campaign prior to May 2021" were **3.6 times more likely to witness "acts targeting Jewish and pro-Israel students for harm."**⁵⁵

150. "There really is an impact of faculty boycotters on student behavior, and that was true of all of the other measures of students perpetrating antisemitism"; "We believe **faculty are inciting and encouraging, certainly giving the intellectual basis and legitimacy for antisemitic behavior on campus.**" *Id.* "[W]e believe that the **faculty impact is most important, and that's why we call it the 'Ground Zero' of campus antisemitism,** because without that it would be much more difficult for a group like [Students for Justice in Palestine] to organize themselves and do the kinds of things that create a hostile climate for Jewish and pro-Israel students." *Id.*

151. To that end, following the October 7th attack, the Rutgers Faculty for Justice in Palestine ("FJP") was formed by a considerable number of Rutgers professors. They issued a letter, through the Daily Targum, the official Rutgers' Student Newspaper, calling for the support

⁵⁵ www.meforum.org/campus-watch/63106/anti-zionist-faculty-fueling-campus-antisemitism (emph. added).

of Boycott, Divestment and Sanctions (“BDS”) movement against Israel and calling for the FJP to “amplify the work of the [SJP].”⁵⁶

152. The connection between faculty conduct legitimizing antisemitic behavior and escalating antisemitic incidents is significant because a 2015 Brandeis University study identified Rutgers as being among those campuses that are “**Hotspots for Antisemitism**” where “hostility toward Jews and antisemitic harassment are relatively high but do not seem to be highly connected to criticism of Israel” and “more traditional antisemitic stereotypes and tropes, rather than criticism of Israel’s politics, seem to be driving the perceived hostility toward Jews.” See fn 42, *supra*.

153. Rutgers retains and maintains faculty, speaking guests and other authority figures who legitimize and impact the targeting of Rutgers’ Jewish students and organizations, and contribute to antisemitic incidents.

154. For example, Rutgers hired and retains Professor Michael Chikindas, who has repeatedly posted overt antisemitic propaganda on social media,⁵⁷ including for examples:



⁵⁶ <https://dailytargum.com/article/2023/12/letter-to-the-editor-rutgers-faculty-for-justice-in-palestine-releases>.

Also important, despite the fact that New Jersey has implemented anti-BDS legislation, *see* fn. 14, *supra*, professors from the State University of New Jersey are using its newspaper to publicly call for economic discrimination of the only Jewish state.

⁵⁷ www.collegefix.com/rutgers-professor-condemned-posting-antisemitic-memes-facebook/ and www.israellycool.com/2017/10/23/anti-zionist-not-antisemite-of-the-day-michael-chikindas/.

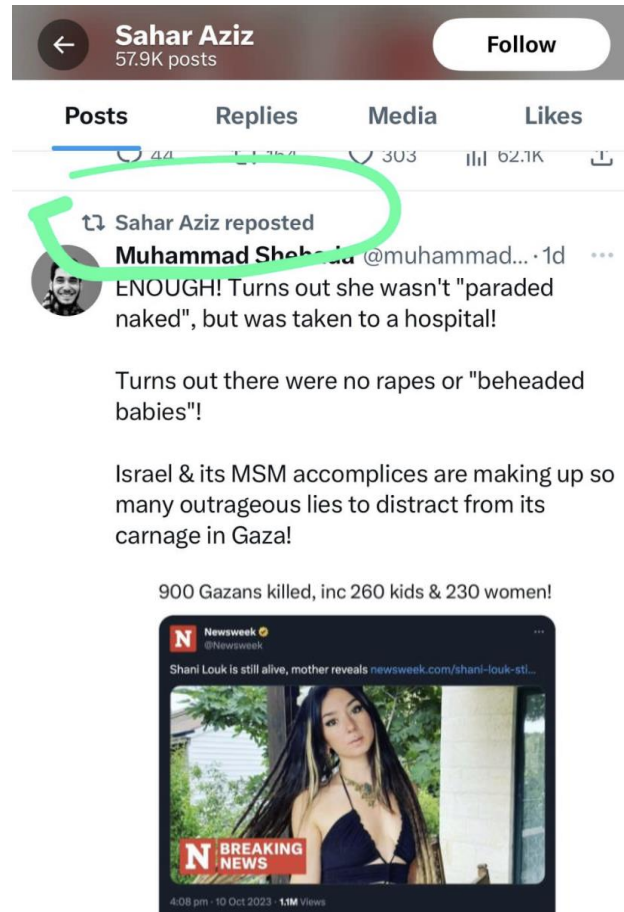


155. Another Rutgers professor, Jasbir Puar, published a book that outrageously suggested Israel, the only Jewish state, harvests the organs of Palestinians; this claim is false and amounts to a modern-day, antisemitic blood libel.⁵⁸

156. Yet another disturbing instance is Rutgers law professor Sahar Aziz callously endorsing denials of Hamas' October 7th terrorist attack. She publicly endorsed (and thus to the Rutgers student body) that "there were no rapes" on October 7th; "Israel & MSM accomplices are making up so many outrageous lies"; and, that "she wasn't paraded":

⁵⁸

www.meforum.org/campus-watch/64669/critics-say-princeton-again-advances-claim-israel.



“MSM accomplices” refers to the mainstream media. The student body at Rutgers could reasonably discern the implication of Rutgers Prof. Aziz’s post that the entirety of the media is conspiring with Israel, and thus all reports and evidence of Hamas actions and crimes on October 7th should be disregarded categorically. Such conspiracy thinking evinces bias and antisemitic prejudice, rather than academic rigor or the pursuit of empirical truth.

157. An academic faculty is supposed to consist of persons who follow rigorous research standards, take positions supported by evidence, and educate the next generation of New Jersey citizens accordingly. However, Rutgers tolerates faculty members who without reliable evidence support denials of atrocities against Jewish people (which echoes Holocaust denials), without rigor ignore factual evidence of war crimes merely because the victims are largely Jews and peddle in thinly-veiled antisemitic tropes (*i.e.*, “Jews control the media”).

158. Indeed, on October 9, 2023, Professor Aziz made a public post justifying Hamas' October 7th terrorist attack involving murder of civilians, kidnapping of children, and systematic sexual violence:



159. On December 19, 2023, the N.J. School Ethics Commission found that separate public statements made by Rutgers Professor Aziz were “likely perceived as offensive and hurtful to members of the [Westfield] District’s Jewish community as well as to the Jewish community as a whole ...”⁵⁹

160. At all relevant times, including through the present date, Rutgers employed professors, administrators, and faculty whose statements and conduct, explicitly or implicitly, endorse or contribute to antisemitic incidents, harassment and culture at Rutgers, including its New Brunswick campus.

⁵⁹ Although the Ethics Commission dismissed the complaint against Prof. Aziz, it did so on the basis of a procedural technicality – that Aziz’s comments did not relate to School Board operations and were on her social medial accounts, which do not reference her position on the School Board. www.nj.gov/education/legal/ethics/2023/docs/C18-23%20-%2012-19-2023.pdf. In contrast, here, Prof. Aziz’s X (formerly Twitter) account promotes her employment as a Professor at Rutgers Law School and affiliation with Rutgers’ Center for Security, Race & Rights. See <https://twitter.com/saharazizlaw>

161. In another instance, on December 7, 2023, Rutgers allowed a lecture by Prof. Noura Erakat, Nick Estes and Marc Lamont Hill, despite calls for the event to be canceled due to the speakers' history of antisemitic rhetoric including by U.S. Congressman Gottheimer in a letter to President Holloway.⁶⁰

162. Despite the urging of U.S. Congressman Gottheimer and many others, Rutgers allowed this seminar to take place at Rutgers.⁶¹

163. In or around February 2024, it was reported to Rutgers by Jewish students that Silismar Suriel, Program Coordinator at Rutgers's Center for Latino Arts & Culture, hurled insults at Jewish students, including "Fuck you" and "Fuck you, colonizer" and "Fuck you, Zionist, why don't you go read a fucking book?"⁶²

164. On or about February 19, 2024, Ms. Suriel, at a demonstration organized by the SJP and/or EJC, stated: "We are a public fucking university serving capitalist issues, serving Zionists" ... "Do the Zionists own the university."⁶³ These statements channel the classic antisemitic libel of a Jewish conspiracy or of Jews controlling the media, economy, government or other societal institution. *See ¶¶ 23—24, supra.*

165. According to Rutgers's website, Ms. Suriel remains a Rutgers employee.⁶⁴

166. In another example, on January 2, 2024, a Jewish, Rutgers law student, Yoel Ackerman, filed a lawsuit against Rutgers, its Newark Law School, and certain Rutgers administrators for hostile school environment, disparate treatment, and retaliation under the

⁶⁰ <https://gottheimer.house.gov/posts/release-gottheimer-calls-on-rutgers-university-to-protect-students-and-remove-antisemitic-anti-israel-speakers-from-december-7-event> (emphasis added).

⁶¹ www.tapinto.net/towns/new-brunswick/sections/rutgers-university/articles/rutgers-declines-to-pull-controversial-speakers-despite-calls-from-congressman.

⁶² <https://jewishstandard.timesofisrael.com/whats-going-on-at-rutgers/>

⁶³ <https://twitter.com/thestustustudio/status/1759710096181830089?s=46>

⁶⁴ <https://clac.rutgers.edu/node/50>

NJLAD. This lawsuit is captioned: *Ackerman vs. Rutgers et al.*, ESX-L-9-24. The factual assertions contained within the *Ackerman* lawsuit are incorporated herein by reference.

167. On or about December 11, 2023, the U.S. Department of Education opened an investigation into Rutgers for ethnic discrimination against Jewish persons⁶⁵. The Committee is actively investigating Rutgers and its “response [(or lack thereof)] to antisemitism and its failure to protect Jewish students.” In her March 27, 2024, letter, Congresswoman Virginia Foxx, Chairwoman of this Committee, informed Rutgers that it:

[S]tands out for the **intensity and pervasiveness of antisemitism on its campuses. Rutgers senior administrators, faculty, staff, academic departments and centers, and student organizations have contributed to the development of a pervasive climate of antisemitism.**⁶⁶

168. On February 29, 2024, Rutgers student Joe Gindi testified before this Congressional Committee’s “Roundtable with Jewish Students Impacted by Antisemitism” as well as providing a written statement. During his testimony and within his written statement, Mr. Gindi discussed in detail the hostile school environment subjected upon the Jews at Rutgers. In doing so, Mr. Gindi provided a list of over 50 incidents of antisemitism at Rutgers from October 7, 2023, through February 27, 2024. *See* fn 47, *supra*.

169. In short, the above cited incidents demonstrate that Rutgers knew or should have known that its campuses, including its New Brunswick campus, constitute a hostile school environment towards Jewish persons, as defined within the NJLAD; yet Rutgers has failed to take effective measures to end the discrimination, which has resulted in a hostile school environment or Jewish persons, including Schafer.

⁶⁵ www.politico.com/news/2023/12/12/biden-doe-new-jersey-antisemitism-rutgers-00131384.

⁶⁶ https://edworkforce.house.gov/uploadedfiles/rutgers_letter_final.pdf (emphasis added).

P. Notice of Tort Claim

170. On or about April 24, 2024, a Notice of Tort Claim pursuant to the New Jersey Tort Claims Act, N.J.S.A. 59:1-1 et. seq. was filed with and served upon Rutgers and the State of New Jersey. However, the claims set forth herein are being brought pursuant to the NJLAD for which a Notice of Tort Claim is not required. Plaintiff intends to amend this Complaint to assert additional tort claims against Defendants after the expiration of the 6 month waiting period proscribed by the Tort Claims Act.

171. By and through this lawsuit, Plaintiff now seeks damages due to all defendants' actions as described herein and below.

CAUSES OF ACTION**FIRST COUNT****Hostile Educational Environment in Violation of the New Jersey Law Against Discrimination - N.J.S.A. 10:5-1 et seq.**

172. Plaintiff repeats and realleges each and every allegation set forth in this Complaint as if set forth in this Count.

173. Rutgers, including its New Brunswick campus, operated by Defendants, is/are a place of public accommodation within the meaning of the NJLAD.

174. Defendants denied Schafer the privileges and advantages of a public education because of Schafer's membership in classes protected under the NJLAD, including, but not limited to, being Jewish.

175. A reasonable student of the same age, maturity level and intelligence as Schafer would consider harassment, intimidation and bullying sufficiently severe and/or pervasive enough to create an intimidating, hostile and offensive school environment.

176. Plaintiff endured severe and/or pervasive harassment that created an intimidating, hostile and offensive school environment, including but not limited to the conduct described *supra*.

177. Defendants knew of the harassment and failed to take effective measures to address the harassment, intimidation and bullying to which Schafer was unmercifully subjected to by students, faculty, staff and/or outside agitators whom Defendants allowed on campus.

178. Further, Defendants failed to properly train Rutgers employees, including, but not limited to, appropriately investigate the conduct of students, student organizations, faculty and staff, and/or failing to properly train administrators in instituting effective schemes to remediate antisemitic materials within the Rutgers communities and learning environments.

179. Defendants, with malice or willful or wanton disregard of Schafer's rights, fomented a hostile educational environment in violation of the LAD.

180. As a direct and proximate result of Defendants' conduct and omissions against Plaintiff in violation of the NJLAD, Schafer has been damaged.

WHEREFORE, Plaintiff Rivka Schafer demands judgment against Defendants Rutgers, the State University of New Jersey; John and Jane Does 1 to 100; and ABC Corps. 1 to 100; for:

- a) Compensatory damages;
- b) Punitive and exemplary damages;
- c) Interest;
- d) Costs of suit;
- e) Attorney's fees; and
- f) Such other relief as the Court deems equitable and just.

SECOND COUNT

**Discrimination in Violation of the New Jersey Law
Against Discrimination - N.J.S.A. 10:5-1 et seq.**

181. Plaintiff repeats and realleges each and every allegation set forth in this Complaint as if set forth in this Count.

182. N.J.S.A. 10:5-4 states, in pertinent part:

All persons shall have the opportunity to obtain employment, and to obtain all the accommodations, advantages, facilities, and privileges of any place of public accommodation, . . . without discrimination because of . . . creed . . . subject only to conditions and limitations applicable alike to all persons. This opportunity is recognized as and declared to be a civil right.

183. Defendants denied Schafer the privileges and advantages of a public education because of Schafer's membership in protected classes under the NJLAD including, but not limited to, being Jewish.

184. Schafer endured severe and/or pervasive discriminatory treatment in so far as Schafer was treated less favorably than individuals who were similarly situated but who were not Jewish, including but not limited to the acts and omissions as described *supra*.

185. Defendants knew or should have known about the discriminatory conduct and/or bullying conduct.

186. Despite such notice, the Defendants treated Schafer less favorably than other students similarly situated.

187. Defendants have failed to take prompt or effective remedial measures to end the illegal conduct against Schafer, a Jewish student.

188. As a direct and proximate result of Defendants' conduct and omissions against Schafer in violation of the NJLAD, Plaintiff has been damaged.

WHEREFORE, Plaintiff Rivka Schafer demands judgment against Defendants Rutgers, the State University of New Jersey; John and Jane Does 1 to 100; and ABC Corps. 1 to 100; for:

- a) Compensatory damages;
- b) Punitive and exemplary damages;
- c) Interest;
- e) Costs of suit;
- f) Attorney's fees; and
- g) Such other relief as the Court deems equitable and just.

JURY DEMAND

Plaintiff demands a trial by jury on all issues so triable.

DESIGNATION OF TRIAL COUNSEL

Plaintiffs hereby designate David A. Mazie, Esq. as trial counsel in the above matter.

DEMAND FOR DISCLOSURE OF NON-PARTIES

Demand is hereby made that defendants strictly comply with Rule 4:5-1(b)(2), which requires that “each party shall disclose in the certification the names of any non-party who should be joined in the action pursuant to Rule 4:28 or who is subject to joinder pursuant to Rule 4:29-1(b) because of potential liability to any party on the basis of the same transactional facts.”

Demand is further made for defendants to review all available records, undertake reasonable investigation and to determine and identify any individual(s) or entit(ies) who should be joined in this action pursuant to Rule 4:5-1(b)(2).

Please take notice that the failure to identify non-parties pursuant to Rule 4:5-1(b)(2) will result in an application for sanctions as well as for expenses incurred in connection with the discovery of individual(s) or entit(ies) who should be joined in this action pursuant to Rule 4:5-1(b)(2).

Please take further notice that pursuant to Rule 4:5-1(b)(2), “[e]ach party shall have a continuing obligation during the course of the litigation to file and serve on all other parties and with the court an amended certification if there is a change in the facts stated in the original certification.”

DEMAND FOR INSURANCE COVERAGE

Pursuant to Rule 4:10-2(b), demand is hereby made that Defendant(s) disclose to the undersigned whether there are any insurance agreements or policies under which any person or firm carrying on an insurance business may be liable to satisfy part or all of a judgment which may be entered in this action or to indemnify or reimburse for payments made to satisfy the judgment.

YES () NO ()

If the answer is “yes,” attach a copy of each or in the alternative, state under oath or certification:

- a) Policy number;
- b) Name and address of insurer or issuer;
- c) The inception and expiration dates;
- d) Names and addresses of all persons insured thereunder;
- e) Personal injury limits;
- f) Property damage limits;
- g) Medical payment limits;
- h) Name and address of person who has custody and possession thereof;
- i) Where and when each policy and agreement can be inspected and copies;
- j) Whether any Reservation of Rights has been asserted by the carrier and if so, attach a copy of any such reservation.

PRESERVATION NOTICE

Notice is hereby provided that defendants must preserve any and all physical and electronic information pertaining in any way to Plaintiff's cause of action and/or prayers for relief, to any defense to same, and pertaining to any party, including, but not limited to personnel files, notes, electronic data, closed circuit TV footage, digital images, recordings (audio or video), computer images, cache memory searchable data, emails, email chains, email attachments, spread sheets, employment files, memos, text messages, and any and all online social or work related website, entries on social networking sites (including, but not limited to, Facebook, Twitter, Instagram, LinkedIn). Failure to preserve such evidence may result in spoliation charges and sanctions.

MAZIE SLATER KATZ & FREEMAN, LLC
Attorneys for Plaintiff

BY:  _____

CORY J. ROTHBORT

Dated: May 9, 2024

RULE 4:5-1 CERTIFICATION

CORY J. ROTHBORT, of full age, hereby certifies that:

1 I am an associate with the law firm of Mazie Slater Katz & Freeman, LLC, counsel for plaintiff in this action.

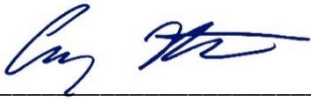
2. To the best of my knowledge, the matter in controversy is not the subject of any other action pending in any Court or any pending arbitration proceeding.

3. No other actions or arbitration proceedings are contemplated by this plaintiff against the pled defendants at this time.

4. I know of no other parties that should be joined in this action at this time, other than those as fictitious defendants that will be identified in the course of discovery.

I certify that the foregoing statements made by me are true. I am aware that if the foregoing statements made by me are willfully false, I am subject to punishment.

MAZIE SLATER KATZ & FREEMAN, LLC
Attorneys for Plaintiff

BY: 
CORY J. ROTHBORT

Dated: May 9, 2024

Civil Case Information Statement

Case Details: MIDDLESEX | Civil Part Docket# L-002766-24

Case Caption: SCHAFER REBECCA VS RUTGERS, THE STATE U NIV. OF

Case Initiation Date: 05/09/2024

Attorney Name: CORY JORDAN ROTHBORT

Firm Name: MAZIE SLATER KATZ & FREEMAN

Address: 103 EISENHOWER PKY

ROSELAND NJ 07068

Phone: 9732289898

Name of Party: PLAINTIFF : Schafer, Rebecca

Name of Defendant's Primary Insurance Company

(if known): Unknown

Case Type: LAW AGAINST DISCRIMINATION (LAD) CASES

Document Type: Complaint with Jury Demand

Jury Demand: YES - 6 JURORS

Is this a professional malpractice case? NO

Related cases pending: NO

If yes, list docket numbers:

Do you anticipate adding any parties (arising out of same transaction or occurrence)? NO

Does this case involve claims related to COVID-19? NO

Are sexual abuse claims alleged by: Rebecca Schafer? NO

THE INFORMATION PROVIDED ON THIS FORM CANNOT BE INTRODUCED INTO EVIDENCE

CASE CHARACTERISTICS FOR PURPOSES OF DETERMINING IF CASE IS APPROPRIATE FOR MEDIATION

Do parties have a current, past, or recurrent relationship? NO

If yes, is that relationship:

Does the statute governing this case provide for payment of fees by the losing party? YES

Use this space to alert the court to any special case characteristics that may warrant individual management or accelerated disposition:

Do you or your client need any disability accommodations? NO

If yes, please identify the requested accommodation:

Will an interpreter be needed? NO

If yes, for what language:

Please check off each applicable category: Putative Class Action? NO **Title 59?** NO **Consumer Fraud?** NO **Medical Debt Claim?** NO

I certify that confidential personal identifiers have been redacted from documents now submitted to the court, and will be redacted from all documents submitted in the future in accordance with *Rule 1:38-7(b)*

05/09/2024

Dated

/s/ CORY JORDAN ROTHBORT

Signed