

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SOPHIE SHABOT,

Plaintiff,

v.

THE NEW SCHOOL,

Defendant

Civil Action No.

JURY TRIAL DEMANDED

COMPLAINT

Plaintiff Sophie Shabot (“Shabot”), by way of Complaint against The New School (“TNS” or the “University”), alleges as follows:

PRELIMINARY STATEMENT

1. Sophie Shabot, a Jewish American student and Israeli citizen, enrolled at The New School’s Parsons School of Design in 2021, expecting to experience a world-class education at an institution that professed a commitment to diversity and inclusion. Instead, she experienced antisemitic harassment and institutional failure so profound that it deprived her of the full educational benefits she came to TNS to receive.

2. When Shabot first arrived at TNS, antisemitic hostility simmered beneath the surface. But after Hamas’s October 7, 2023 massacre of Israeli civilians and Israel’s ensuing response, that hostility—particularly toward Israeli Jews—erupted into the open and spread to every corner of campus.

3. As Shabot walked on and around campus, students hurled antisemitic and anti-Israel epithets at her, including “Zio cunt,” “Zio bitch,” “baby-killer,” and “genocidal maniac.”

4. During the first anti-Israel/pro-Hamas protest at TNS, Shabot was violently pushed away from the doors to the University Center, preventing her from accessing the building, while non-Jewish students were permitted to enter.

5. On one occasion, protesters created a circle around Shabot and her friends in the lobby of the University Center and encroached on their personal space until they were forced to exit the building.

6. On another occasion, Shabot was ambushed and verbally assaulted in that same lobby by students who then attempted to block her from leaving the building while they continued the abuse.

7. Shabot was taunted by her classmates and her workspace was vandalized.

8. She was pushed and spat on and, as she attempted to flee the assault, a protester screamed at her through a megaphone, “Fuck Israel, fuck you, bitch.”

9. In an incident that could easily have resulted in serious injury, a student protester hurled a glass bottle directly at Shabot’s head, missing her by mere inches.

10. What made these violent encounters particularly traumatizing for Shabot, was the campus environment in which they occurred.

11. TNS was saturated with antisemitic and anti-Israel protests, graffiti, leaflets, and signs in violation of the University’s time, place, and manner restrictions.

12. These assertions appeared throughout academic spaces, including classrooms, hallways, elevators, libraries, cafeterias, studios, laboratories, and student workspaces.

13. Among other things, they denounced the existence of a Jewish homeland as a racist endeavor and demanded that all Israelis be expelled from TNS. They accused Jews collectively

of being racist and responsible for genocide, mocked and denigrated the suffering of Jewish hostages and their families, and celebrated Hamas's violence against Jewish civilians.

14. Some of the expression went beyond merely offensive speech and included veiled threats and exhortations to violence. But even if the speech was protected in content, its intrusion into academic spaces violated TNS's time, place, and manner restrictions, which were designed to prevent offensive expression from saturating the academic space and creating a hostile environment for those targeted.

15. Shabot repeatedly reported these violations and the effects they were having on her and other Jewish students, TNS nevertheless refused to enforce its rules. At times, TNS even rewarded violators.

16. Most notably, during one unauthorized anti-Israel encampment, President Donna Shalala ("President Shalala") gave the participating students money to purchase dinner and publicly announced that she was proud of what they were doing.

17. To Shabot, who had already reported being harassed and assaulted in connection with that encampment, it became clear that TNS students were free to harass Jewish students with impunity.

18. At the same time, TNS permitted antisemitic and anti-Israel expression to permeate academic spaces in violation of its time, place, and manner restrictions, it repeatedly failed to protect Jewish and Israeli students' expression even in the spaces and circumstances where that expression was permitted.

19. When Shabot reported to TNS that students were tearing down hostage posters and vandalizing posters bearing messages of hope to the Jewish community, TNS refused to take action.

20. Likewise, TNS failed to provide the security necessary for Jewish students to exercise their expressive rights at a University-approved Jewish speaker event.

21. Jewish students had scheduled an event at which a member the Israel Defense Forces (“IDF”) was to speak about his experiences on and after October 7, 2023. When Shabot and other Jewish students arrived at the event space they found the room vandalized and occupied by protesters, as two TNS guards stood by and failed to act.

22. Shabot and the other Jewish students discreetly relocated to a nearby office, but protesters discovered their location and descended on the room. The protesters rattled and pounded on the locked door, demanding that those inside turn over “the terrorist,” apparently referring to the speaker.

23. Trapped inside the office, Shabot and the other Jewish students feared for their safety. The situation escalated when a TNS instructor assaulted a Jewish student guarding the door. Rather than securing the event, TNS shut it down prematurely, citing safety concerns for the Jewish students TNS had chosen not to protect.

24. These incidents were not isolated encounters that occurred before TNS had notice of the problem or an opportunity to prevent them. Shabot repeatedly reported the harassment, assaults, obstruction, vandalism, and violations of university policy to professors, security personnel, the Office of Student Conduct and Community Standards (“Office of Student Conduct”), senior administrators, and the Office of the President. In many instances, she even identified the students involved, leaving TNS with no doubt about the conduct at issue or who was participating.

25. Indeed, TNS repeatedly acknowledged that protesters were violating University rules and often promised to take action to stop them. However, TNS’s half-hearted responses to

the escalating misconduct on campus and to Shabot's repeated complaints were manifestly unreasonable.

26. TNS repeatedly stated that discrimination would not be tolerated and informed students that their conduct violated University rules. Yet, after each such response by TNS, Shabot continued to experience and report severe and pervasive harassment.

27. Despite clear evidence that its approach was failing, TNS persisted in substantially the same ineffective response. TNS refused to change course and adopt measures that would stop the harassment.

28. The cumulative effect on Shabot was devastating. She suffered severe anxiety, panic attacks, insomnia, difficulty concentrating, and an increasing fear of returning to campus. Her academic performance suffered. She required additional time to complete coursework, received an "Incomplete" in a course, struggled to prepare for finals and other assignments, and, at times, could not safely or comfortably use the studios and equipment integral to her education. What should have been a positive college experience became one defined by fear, avoidance, and the constant calculation of whether entering a University building, attending class, or participating in a Jewish event would expose her to yet another hostile confrontation.

JURISDICTION/ VENUE

29. This Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1343 because claims pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d, *et seq.*) ("Title VI") arise under the laws of the United States. This Court has supplemental jurisdiction under 28 U.S.C. § 1367 to hear the related state law claims because those claims arise out of the same case or controversy as the federal claims.

30. This Court has personal jurisdiction over TNS because it is located in New York, New York.

31. Venue is proper under 28 U.S.C. § 1391(b)(2) because the events giving rise to the claims occurred in New York, New York.

PARTIES

32. Shabot is a Jewish resident of Brooklyn, New York, and is a dual citizen of the United States and Israel. At all relevant times, Shabot was a student at TNS's Parsons School of Design. Shabot graduated TNS in May 2025.

33. TNS is a private, not-for-profit university that is incorporated under the laws of the State of New York. TNS's principal address is in New York, New York. At all relevant times, TNS has been a recipient of federal funding, making it subject to Title VI.¹ At all relevant times, TNS has also been an "educational institution" and a place of "public accommodation" under the New York State Human Rights Law ("NYSHRL") and the New York City Human Rights Law ("NYCHRL").

STATEMENT OF FACTS

A. Protection Under Title VI of the Civil Rights Act

34. Title VI of the Civil Rights Act of 1964 prohibits educational institutions that receive federal funding, such as TNS, from engaging in discrimination, which includes tolerating harassment, based on race, color, or national origin.

35. Under the last several presidential administrations, the U.S. Department of Education Office for Civil Rights ("OCR") has made clear that antisemitic discrimination and

¹ See generally *The New School, Financial Statements, July 1, 2024 through June 30, 2025*, New. Sch., https://issuu.com/newschool/docs/the_new_school_2024-2025_financial_statements?fr=xKAE9_zMzMw (last visited Oct. 6, 2026).

harassment can trigger responsibilities under Title VI when the discrimination or harassment is based on the group’s actual or perceived shared ancestry or ethnic characteristics, rather than solely on its members’ religious practices. This includes Jewish ancestry and ethnicity.²

36. Harassment creates a “hostile environment” in violation of Title VI when it “is sufficiently severe, pervasive, or persistent so as to interfere with or limit a student’s ability to participate in or benefit from the services, activities, or opportunities offered by a school.”³ An institution subject to Title VI “must take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.”⁴

37. The federal government defines antisemitism according to the Working Definition of Antisemitism promulgated by the International Holocaust Remembrance Alliance (“IHRA”), an intergovernmental organization that includes over thirty-five countries.⁵ IHRA defines antisemitism as “a certain perception of Jews, which may be expressed as hatred toward Jews” and includes the following on its non-exhaustive list of contemporary examples of antisemitism:

- “Calling for, aiding, or justifying the killing or harming of Jews in the name of a radical ideology or an extremist view of religion”;

² See Letter from Asst. Sec. for C.R. Russlynn Ali, U.S. Dep’t of Educ. Off. for C.R (“OCR”), at 2–3 (Oct. 26, 2010), <https://www.mass.gov/doc/commission-to-review-statutes-relative-to-implementation-of-the-school-bullying-law-testimony-02-09-2011-us-doe-ocr-letter/download> (“Oct. 26, 2010 *Dear Colleague Letter*”); Letter from Asst. Sec. for C.R. Catherine E. Lhamon, OCR, at 1 (May 25, 2023), <https://www.ed.gov/media/document/dear-colleague-letter-addressing-discrimination-against-jewish-students-may-25-2023-21293.pdf> (“Title VI protects all students, including students who are or are perceived to be Jewish, from discrimination based on race, color, or national origin.”).

³ Oct. 26, 2010 *Dear Colleague Letter*, *supra* note 2, at 2.

⁴ *Id.* at 2-3.

⁵ See U.S. Dep’t of State, Defining Antisemitism, State.gov, <https://www.state.gov/defining-antisemitism/> (last visited Oct. 6, 2026).

- “Denying the Jewish people their right to self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor”;
- “Applying double standards by requiring of [Israel] a behavior not expected or demanded of any other democratic nation”; and
- “Holding Jews collectively responsible for actions of the state of Israel.”⁶

38. On December 9, 2023, in response to Congressional testimony by the presidents of three major universities who failed to state unequivocally that “calling for the genocide of Jews” was not only morally reprehensible but also violated their institutions’ codes of conduct, New York Governor Kathy Hochul penned a strongly-worded letter to the presidents of all New York State colleges and universities (including TNS), reiterating the need to address antisemitism on campus:

[F]ailure to address such activity would constitute a violation of New York State Human Rights Law as well as Title VI of the Civil Rights Act of 1964. Under Title VI, any recipient of federal funds is responsible for keeping students free from a hostile environment based upon their ethnicity or national origin - a standard that has been applied to antisemitism.⁷

39. On January 29, 2025, Executive Order 14188, issued by the President, spelled out additional measures to combat antisemitism, in recognition of the fact that the Hamas terrorist attacks of October 7, 2023, had “unleashed an unprecedented wave of vile anti-Semitic discrimination, vandalism and violence . . . especially in our schools and on our campuses,” and that “Jewish students have faced an unrelenting barrage of discrimination; denial of access to

⁶ *Working definition of antisemitism*, Int’l Holocaust Remembrance All., <https://holocaustremembrance.com/resources/working-definition-antisemitism> (last visited Oct. 6, 2026).

⁷ Letter from New York Governor Kathy Hochul to New York State Coll. and Univ. Presidents (Dec. 9, 2023), <https://www.governor.ny.gov/sites/default/files/2023-12/SchoolsV2.pdf>.

campus common areas and facilities, including libraries and classrooms; and intimidation, harassment, and physical threats and assault.”⁸

40. Discrimination directed at students because they are Jewish or Israeli constitutes prohibited discrimination under Title VI. That prohibition also encompasses discrimination against students labeled “Zionist” when that term is used as a proxy for Jews or Jewish identity. TNS had an obligation to address such conduct when it created a hostile environment that was severe, pervasive, and objectively offensive for Shabot; its failure to do so violated federal, state, and local law.

B. The New School

41. Located in Greenwich Village in Manhattan, TNS describes itself as a “new kind of university,” “where scholars, artists, and designers come together to challenge convention and create positive change.”⁹ TNS commits “to creating and sustaining an environment where students, faculty and staff can study, work and thrive unhampered by discrimination or harassment.”¹⁰

C. The Hostile Environment at TNS

42. Shabot began her studies at TNS’s Parsons School of Design in September 2021, eager to pursue her lifelong passion at an institution that describes itself as “the #1 design school in the United States and ranked third globally.”¹¹ As a proud American Jew and Israeli citizen, Shabot also looked forward to studying at a university that had pledged to “ensur[e] an equitable,

⁸ Exec. Order No. 14188, 90 Fed. Reg. 21, at 1 (Jan. 29, 2025), <https://www.govinfo.gov/content/pkg/DCPD-202500196/pdf/DCPD-202500196.pdf>.

⁹ *About Us*, New Sch., <https://www.newschool.edu/about/> (last visited Oct. 6, 2026).

¹⁰ *Title IX*, New Sch., <https://www.newschool.edu/title-ix/> (last visited Oct. 6, 2026).

¹¹ *About*, New Sch., <https://www.newschool.edu/parsons/about/> (last visited Oct. 6, 2026).

inclusive and socially just environment for all students, staff, and faculty.”¹² For Shabot and other Jewish students, however, TNS’s commitments would prove hollow.

43. Following the devastating October 7, 2023 massacre of Israeli civilians and Israel’s ensuing response, TNS students unleashed a firestorm of intimidation and harassment against Jewish and Israeli students, creating a hostile environment that TNS failed to remedy.

44. The hostility initially took the form of antisemitic, anti-Israel messaging that saturated academic spaces in blatant violation of TNS’s time, place, and manner restrictions. The hostility then escalated, as Shabot herself became the target of verbal abuse, intimidation, physical harassment, and assault.

45. Shabot’s hostile environment claim rests both on the pervasive intrusion of unauthorized protests and messaging in violation of TNS’s rules and on the physical and verbal harassment, intimidation, vandalism, and obstruction she experienced.

D. Pervasive Intrusion of Antisemitic Messaging in Violation of TNS Rules

46. Immediately following October 7, 2023, unauthorized posters, graffiti, signs, and leaflets littered the University Center’s lobby, classrooms, elevators, bathrooms, library, studios and design lab. At the same time, protesters chanted antisemitic and anti-Israel messages (often on megaphones) in the spaces where students were expected to attend class, study, and complete their work.

47. By mid-October 2023, posters depicting Israel aflame and other antisemitic and anti-Israel messages covered the walls and floors of the University Center.

¹² *Equity, Inclusion & Social Justice*, New Sch., <https://web.archive.org/web/20231001145811/https://www.newschool.edu/eisj/> (last visited Oct. 7, 2026).

48. Among the messages displayed and chanted were “Globalize the intifada,” “There is only one solution, intifada revolution,” “By any means necessary,” “Glory to our martyrs,” “We don’t want no Zionists here,” and “Death to Israel.”

49. To Shabot and other Jewish students, some of these messages called for violence against Jews.

50. For example, “Globalize the intifada from New York to Gaza” is widely understood to be calling for terror attacks on Jewish civilians in New York.

51. Likewise, “There is only one solution, intifada revolution” is seen as invoking the Nazis’ “Final Solution” which involved the mass murder of European Jews.

52. But Shabot’s hostile environment claim does not depend on establishing that the content of any of these messages was unprotected speech.

53. Even if all of the speech was protected in content, the saturation of academic spaces permitted by TNS’s refusal to enforce its own time, place, and manner restrictions yielded a hostile environment.

54. As a result, in pursuing her education, Shabot could not avoid the offensive messaging directed at her and her community.

55. TNS’s Student Code of Conduct (“Code”) allows students to report incidents, such as unauthorized posting, to the Office of Student Conduct, which is then charged with investigating such reports. Shabot put TNS on notice of the increasingly hostile environment.

56. In an October 19, 2023 email to a TNS professor, Shabot explained that, “[w]alking around school and seeing posters of my country on fire breaks my heart and makes me incredibly scared.”

57. On that same day, Shabot emailed a picture of one of the posters to TNS's Office of Student Support, which is supposed to help students "navigate non-academic challenges, distressing experiences, and crisis situations." Shabot reported that the hateful posters were "all over the school," and that as a Jewish-Israeli student she sensed "eyes on me in the hallway," and she no longer felt safe on campus.

58. TNS's response to Shabot's outreach was anemic. Scott Bosley ("Bosley"), the acting Director of Student Support and Advocacy, acknowledged in an October 20, 2023 email that a poster Shabot highlighted displayed a message antithetical to the type of educational community TNS supposedly strives to emulate. But Bosley passed the issue to the Office of Student Conduct, which failed to remove the posters.

59. On October 24, 2023, Shabot reported unauthorized posters hanging in the design lab at the Sheila C. Johnson Design Center (the "Design Lab") which said, "ZIONISTS FUCK OFF" and "SETTLERS FUCK OFF." Ironically, the Design Lab, is described on TNS's website as "the place where Parsons students and the community come together."

60. Even more concerning, was that, at times, it was apparent that TNS's administrators or staff were working with students to violate university policy.

61. In one example, Shabot saw unauthorized posters calling for intifada displayed inside a locked display case in the Design Lab. The poster must have been placed inside the locked case by TNS personnel, because students had no access to the display.

62. The Design Lab housed industry-specific printers that Shabot needed to use for class projects. Instead of enduring a barrage of messages offensive to Israelis and Jews, however, Shabot began outsourcing her print work to a third-party print lab at additional cost and inconvenience.

63. Shabot emailed Bosley, copying the Office of Student Conduct, and attached a picture of the unauthorized signs in the Design Lab.

64. However, TNS failed to remove them and refused to enforce its rules against the proliferation of unauthorized posters.

65. On November 7, 2023, TNS's chapter of Students for Justice in Palestine ("SJP") used its Instagram account to openly celebrate the anti-Israel demonstrations engulfing nearby campuses—which had already descended into antisemitic intimidation and chaos—and vowed to bring the same tactics to TNS. The post instructed students planning to participate in such protests to conceal their identities, directing them to "cover any identifiable features" when attending protests so they could not be identified.

E. Targeted Harassment, Intimidation, Obstruction, and Assault

66. TNS was plainly on notice of the escalating hostility on college campuses and the danger it posed to Jewish students. On November 8, 2023, Dr. Robert Mack ("Mack"), TNS's Vice Provost for Student Success and Engagement, emailed the student body, expressly acknowledging that "tensions" on other campuses had "escalated and erupted, revealing hate, ignorance or an inability to coexist in a space with opposing perspectives." But TNS failed to take steps to secure the campus or address the growing fears among Jewish students.

67. By November 16, 2023, the antisemitic and anti-Israel messaging at TNS reached a fever pitch, and Jewish students wrote to President Shalala, communicating their concerns about violence and feeling "unsafe."

68. On December 4, 2023, a large group of pro-Hamas protesters took over the lobby of the University Center and began screening students at the entrance, deciding for themselves who would be permitted to enter the building and who would be turned away.

69. Shabot arrived with another Jewish student to use the University Center's sewing studio and equipment to complete her final project, which was due that week. One of the protesters was Shabot's classmate and knew that Shabbot and her friend were Jewish and Israeli.

70. As Shabot attempted to enter the lobby, the protesters blocked her path and told her she was not permitted inside. Shabot pleaded with them to let her enter, explaining that she needed access to the sewing studio to complete her final project. They responded mockingly that "students in Gaza didn't get to go to sewing studios so neither should she."

71. Then, without warning, the hostility turned physical. One protestor violently shoved Shabot backward out of the lobby, while another slammed the door shut in front of her and held it closed to prevent Shabot from attempting to reenter. Shabot's Jewish friend was subjected to the same treatment.

72. As Shabot and her Jewish friend stood outside, physically barred from entering the University Center, the protesters continued permitting non-Jewish students to enter the building.

73. The humiliation did not end there. Several protesters standing immediately outside the building had watched Shabot and her friend being physically forced out and laughed.

74. One of those student protesters then spat on Shabot. As Shabot tried to get away, the student continued the attack verbally using a bullhorn, yelling directly at Shabot, "Fuck Israel! Fuck you bitch! Fuck Israel."

75. Shabot still had a final project to complete. Desperate to reach the sewing studio, she sought help from TNS personnel to gain access. TNS security ultimately permitted her to reach the University Center through a usually-locked residence hall entrance.

76. Once inside the University Center, Shabot immediately reported to security that she had been assaulted. Security directed her to TNS administrators who had been observing the

protesters. Shabot approached them, described what had just happened to her, and sought their help. They told her that there was nothing they could do.

77. Shabot then went to the sewing studio and attempted to work on her final project. But she was so shaken by the assault that she was unable to concentrate, and she eventually gave up and left.

78. Having just been shoved out of the lobby, spat upon and verbally abused at the buildings entrance, Shabot was afraid to return through the same lobby and risk another attack.

79. Shabot ultimately had to sneak out the building using a side exit. By the time she left the building, she was crying and overwhelmed by fear and distress. She experienced a panic attack as a result of this experience.

80. Later that day, in a “Message to the Community,” President Shalala publicly acknowledged that the protest had been “in clear violation of campus policies for demonstrations and the Student Code of Conduct.” But TNS took no meaningful action to ensure the rules would be complied with, nor did it impose consequences on those who had violated them.

81. That same evening, Shabot emailed more than twenty TNS administrators, including President Shalala, detailing her ordeal and pleading with the University to intervene. She attached video footage showing her friend being pushed away from the door and explained she could not complete her schoolwork in such a hostile environment. Of the more than twenty administrators she contacted, only two responded— both merely suggested she seek therapy.

82. Finally, after Shabot sent a follow-up email, an administrator from the Office of Student Conduct asked her about the student who had spat on her. Shabot provided a photograph of the student and demanded consequences. Rather than take action, TNS referred Shabot to yet another office. The same student continued to harass Shabot on and around campus.

83. Shabot returned to campus for the Spring 2024 semester hopeful that, over winter break, TNS would finally have taken steps to address the hostile environment that had engulfed the campus. To her dismay, however, little had changed. The same unauthorized and hateful protest materials continued to proliferate across the walls and floors of the University Center.

84. In March 2024, TNS's chapter of Hillel International ("Hillel"), a registered TNS student organization serving as the center for Jewish life at TNS, scheduled an event featuring a member of the IDF and was assured by TNS that security would be present.

85. Per TNS's Policy on the Use of University Facilities ("Facilities Policy"), "[t]he university and its Board of Trustees recognize their responsibilities to assure that all members of the university community and guests at the university are able to exercise" their right to freedom of expression and to invite "speakers representing any and all points of view."¹³ Yet, when Jewish students attempted to exercise those rights, TNS did not protect them.

86. When Shabot arrived at Arnhold Hall for the event, SJP members had vandalized the event space and were blocking the Jewish students from entering.

87. TNS security officers arrived approximately twenty minutes later but refused to intervene. When Shabot asked why they were doing nothing, the officers told her there was nothing they could do.

88. Thus, despite Hillel having reserved the space and specifically requested security protection in advance, TNS allowed the protesters to seize the space and exclude the Jewish students.

¹³ *Policy on the Use of University Facilities*, New Sch., <https://web.archive.org/web/20150906001218/http://www.newschool.edu/student-rights-and-responsibilities/university-facilities-policies.pdf> (last visited Oct. 7, 2026).

89. Then, rather than remove the SJP protesters and allow Hillel to conduct its event as planned, a TNS dean suggested that the Jewish students quietly relocate to his office, a smaller and less suitable space that was not comparable to the original venue.

90. Shabot and the other Jewish students texted one another about the new location and shortly thereafter reassembled in the dean's office. TNS stationed no security guards outside the office.

91. Shortly after the event resumed, the dean's office was surrounded by a mob of students from SJP, as well as faculty members from Faculty for Justice in Palestine ("FJP"). The protesters began violently banging on and rattling the door while yelling, "Free Palestine."

92. The mob then began screaming, "Where is the terrorist? Give us the terrorist," evidently referring to the speaker. Shabot and other Jewish students sat paralyzed with fear inside the office, as the event organizers made desperate calls seeking the security TNS had promised.

93. With no TNS security stationed outside the dean's office, a Jewish student stood guard at the door, attempting to prevent the protesters from forcing their way inside. Abou Farman ("Farman"), a TNS professor who had joined the protest, physically shoved that student in an apparent effort to move him away from the door.

94. Terrified, Shabot and the other Jewish students remained trapped inside the office for approximately 20 harrowing minutes, surrounded by protesters, waiting for TNS security to arrive.

95. When TNS security personnel finally responded they did not secure the event so the Jewish students could exercise their expressive rights. TNS sent only two security guards who, citing concerns for the Jewish students' safety, terminated the Hillel event prematurely.

96. The result was that TNS allowed the protesters to achieve precisely what their egregious misconduct was calculated to accomplish. The Jewish students were driven from their reserved event space, forced into hiding in an effort to hear the speaker, surrounded and terrorized when they attempted to do so, and ultimately prevented from completing the event.

97. Even when security guards arrived, they only escorted the Jewish students from the dean's office to a nearby elevator. As the Jewish students departed the office, they were harassed by protesters who lined both sides of the hallway, yelling epithets, such as "genocidal freaks."

98. Notably, the security guards did nothing to ensure the Jewish students' safety as they left the elevator on the ground floor and headed to the building exit.

99. When Shabot and other Jewish students arrived on the ground floor, they were met by the mob of harassing protesters.

100. Several of the protesters pursued Shabot for a number of blocks outside of campus shouting "baby killer," "genocidal freak," "Zio-cunt," "Zio-bitch," and other slurs.

101. The protesters' repeated use of "Zio" functioned as a proxy for Shabot's Jewish and Israeli identity.

102. When the protesters finally stopped following Shabot, she found herself alone on the street, shaking uncontrollably. The ordeal caused Shabot to suffer her second panic attack.

103. Despite what had just occurred, Shabot forced herself to return to campus because she was required to attend a one-on-one meeting with her design studio professor regarding her upcoming midterm project.

104. When Shabot arrived at her classroom, she came face-to-face with a classmate who had subjected her to relentless anti-Israeli harassment throughout the semester and who was among those abusive students who had followed her earlier that day.

105. Terrified of being further harassed, Shabot left the class and returned later to meet with the professor.

106. Shabot immediately noticed that her workspace had been vandalized. Her personal items were strewn on the floor and a keffiyeh was draped over her table.

107. In tears, Shabot recounted to her professor the frightening events of the day and explained why she had been unable to attend class. The professor assured her he would report what had happened to the administration. Yet, consistent with its repeated failure to respond to the antisemitic harassment Shabot endured, TNS never followed up with her about the incident.

108. Later that week, President Shalala once again issued hollow words in a “Message to the Community,” labeling the violent protest at Hillel “deeply troubling” and acknowledging that TNS’s policies had been violated. Yet, even as TNS recognized the escalating harassment and repeated violations of its policies, its response remained limited to empty statements, reminders, and promises rather than meaningful action to stop the antisemitic harassment.

109. Upon information and belief, not a single student faced disciplinary action for participating in the violent disruption of the Hillel event.

110. Even Farman’s physically assaulting a student elicited little more from TNS. After the student reported the assault, TNS waited approximately six months before taking any disciplinary action against Farman and, even then, imposed a mere three-month suspension for physically assaulting the student.

111. Soon after, Provost Renée White acknowledged that TNS rules were being violated and that members of the TNS community continued to experience harassment and harm on campus.” She once again reminded the students of TNS’s policies.

112. By that point, TNS had already issued similar warnings and policy reminders and was aware that these communications did not stop the harassment. Yet, even as TNS acknowledged that the misconduct persisted and that violation of the rules continued, TNS returned to the same ineffective responses rather than meaningful action to stop the antisemitic harassment pervading the campus.

113. Several weeks later, on April 21, 2024, SJP protesters established an unauthorized encampment inside the lobby of the University Center, demanding that, among other things, TNS boycott Israeli academic and cultural institutions. SJP protesters posted messages on the walls glorifying Hamas and defending their abhorrent actions on October 7.

114. President Shalala met with the protesters in the encampment to discuss their demands. She also posed for a picture with the protesters for The New School Free Press. The photographer who took the photo said, “say divest,” as in, “say cheese.” To add insult to injury, President Shalala took her picture with the individual who had previously spat on Shabot and yelled “Fuck you, bitch” at Shabot with a bullhorn.

115. President Shalala gave the protesters \$300 to purchase dinner for themselves. She explained that “the students negotiated in good faith,” and that she “admire[d] their passion and their commitment to the issues they care about.”

116. Shabot could not go to class or access the equipment she needed in the University Center without walking through the unauthorized encampment that was flooded with antisemitic anti-Israel messages

117. In a further “Message to the Community,” President Shalala announced various scheduled meetings between administrators and the protesters to address the protesters’ demands, noting there would be no charges against any students because of their “successful dialogue.”

118. Shabot and other Jewish students found this demoralizing and a clear signal that the administration prioritized appeasing the protesters over protecting Jewish students' rights and safety.

119. While TNS touted its rapport with the protesters, Shabot and other Jewish and Israeli students continued to face open antisemitic hostility in the University Center. Protesters chanted, "Say it loud, Qassam, you make us proud"—an explicit expression of support for Hamas's military wing, which boasted about its suicide bombings, missile attacks, and stabbings and was responsible for the brutal October 7, 2023 Hamas attack.

120. On April 22, 2024, Shabot emailed the Office of the President once more, reporting the hostile environment for Jewish students. She received no response. Two days later, Shabot again emailed the Office of the President, warning that the University Center was becoming "incredibly dangerous for Jews." Again, no TNS administrator responded.

121. Frustrated by TNS's apathy, Shabot walked into Bosley's office on the afternoon of April 25, 2024. She cried as she explained that the protests had made daily life on campus unbearable for her and other Jewish students because there was virtually no escape from the relentless anti-Israel and antisemitic rhetoric. She further noted that demonstrations, signs, chants, and other hostile messaging permeated the campus, confronting Shabot as she attended classes and went about her daily activities at TNS.

122. Shabot further reported that students were ripping down and vandalizing hostage posters, as well as other messages expressing support for the Jewish people, during a time when Jewish expressions of solidarity were critical.

123. Bosley admitted the encampment was unauthorized, and that the vandalism of Jewish posters violated TNS's rules. He also told Shabot he believed the demonstrations were not civil or respectful. But Bosley stated he was not in a position to act.

124. TNS's complacency was not without consequence. That same afternoon, Shabot and several of her Israeli friends gathered in the lobby of the University Center to take a lunch break.

125. As they waited for others to arrive, Shabot and her friends spoke among themselves in their native Hebrew.

126. An encampment protester who, only days earlier, had posed for a photograph with President Shalala recognized Shabot and heard her speaking to her friends in Hebrew. He raised his bullhorn and shouted, "We have Zionists trying to occupy the encampment, all people to the lobby."

127. Immediately, a crowd of anti-Israel students converged on Shabot and her friends, forming a tight circle around them. The protesters held up their keffiyehs and shouted, "Settlers, settlers go back home" and "Zios, Zios go back home—the New School is our home." The protesters continued pressing inward, inching closer and closer into Shabot and her friends' physical space, forcing them to retreat toward the lobby doors. With the crowd still advancing, Shabot and her friends ultimately were driven out of the building.

128. A TNS security guard was present in the lobby and witnessed the incident unfold. One of Shabot's friends called out to him for help, but he averted his gaze and stood in silence.

129. Following the incident, Shabot emailed Bosley. She made clear that she thought Jewish students were in extreme danger. Once again, however, TNS took no action.

130. Later that day, Shabot had to return to the University Center because she needed to use the studio to complete her final project. As she entered the building and made her way through the encampment occupying the lobby, a protester who apparently recognized her from earlier that day, yelled “Mobilize!” Another shoved a keffiyeh into Shabot’s face, while yet another shouted “Zionist alert.” Once again, anti-Israel students came rushing toward Shabot, this time while she was alone. TNS’s Senior Director of Student Equity, Access, & Title IX, Nicholas Faranda, (“Faranda”) was present in the lobby and witnessed this.

131. Shabot managed to break away from the protesters and asked Faranda to speak with her outside, away from the crowd. As Shabot attempted to leave the building, though, protesters followed her, screaming, “We don’t want no Zionists here” and “Zionists aren’t welcome here,” while others blocked her path to the exit. Shabot finally managed to get out of the building. Once outside, she described to Faranda the harassment she had been enduring on campus and begged for her help. Faranda told her that, despite his position there was nothing he could do to help. According to Faranda, only President Shalala had the authority to act against the students.

132. On April 26, 2024, Mack wrote to the student body, assuring students that despite instances of reported harassment, the University had not contacted the NYPD for assistance and that, police would “not enter any of our buildings without university consent.” Thus, while TNS failed to protect Shabot from the escalating harassment on its campus, the University simultaneously kept outside law enforcement from doing so, as well.

133. TNS failed to remove the encampment or stop the protesters from targeting Jewish and Israeli students. Instead, on May 1, 2024, more than a week after the encampment was established, Mack sent students a form allowing them to request alternative access to the

University Center. TNS's solution was to make Jewish students, like Shabot, alter how they entered the University to avoid harassment rather than stop the misconduct.

134. As of May 1, 2024, unauthorized signs continued to appear on the front, exterior-facing windows of campus buildings.

135. On May 2, 2024, Shabot arrived at the University Center intending to prepare for final exams. Once again, she was blocked by protesters gathered outside the building. Among them was a member of the TNS faculty wearing a "TNS Faculty for Justice for Palestine" T-shirt. As Shabot attempted to enter the building, the faculty member began following her and positioned himself in her path to prevent her from entering. At the same time, student protestors arrived and began yelling at Shabot "shut it down."

136. Surrounded, obstructed, and confronted by protesters, including a member of TNS's faculty, Shabot abandoned the main entrance and used an alternative side entrance to the University Center, which was not regularly available to her.

137. On May 3, 2024, because of the campus unrest, TNS closed all university buildings and all classes moved online. Due to escalating protests, police were finally called to dismantle the encampment.

138. On May 15, 2024, protesters established a new encampment in the lobby of TNS's Welcome Center. All operations in that building, including Student Support and Advocacy services, shifted to remote operation. TNS faculty established an encampment in the University Center. And SJP took over the administration building. SJP controlled and occupied the building for ten days, forcing out all administrators and security workers.

139. When Shabot returned to campus for the Fall 2024 semester, she immediately experienced yet another frightening incident. While Shabot was sitting with several friends in a

car parked in front of a TNS building, an anti-Israel protester hurled a Snapple bottle at her head, missing her by mere inches. Shabot immediately got out of the car and reported what had happened to TNS security. Yet, in another stark demonstration of TNS's continued unwillingness to protect her, security personnel told Shabot there was nothing they could do.

140. Shabot felt increasingly traumatized and abandoned by a university that professed a commitment to safety and inclusivity. Despite numerous requests for intervention, the administration's responses were muted, often dismissive, and even complicit in fostering a campus environment that was hostile to students who identified as Jewish and Israeli.

141. The emotional and academic effect on Shabot was profound. Her mental health deteriorated and she sought treatment. Her grades declined and the educational experience she had expected to find at TNS was marred by harassment, fear, and betrayal. Shabot's desire simply to attend school was met with relentless hostility that left her traumatized and without faith in her university's commitment to protect her.

F. TNS's Failure To Enforce Its Own Policies To Protect Jewish Students

142. At all relevant times, TNS maintained university-wide policies intended to protect all students from discrimination, harassment, and bullying, including the: (i) Poster Policy; (ii) Facilities Policy; (iii) University Policy on Harassment, Discrimination, Prohibited Relationships, Title IX and Non-Title IX Sexual Harassment and Misconduct ("Non-Discrimination Policy"); (iv) Code; and (v) Demonstration Guidelines.

143. TNS knew of the antisemitic, anti-Israel activities on campus through, *inter alia*, Shabot's numerous emails to and meetings with TNS administrators, the unauthorized postings across the University, and the harassing conduct in the presence of TNS employees. Nonetheless, rather than applying the above-referenced policies as intended to protect Shabot and other Jewish

students experiencing antisemitism, harassment, and discrimination, TNS repeatedly disregarded its policies. TNS's failure to enforce those policies and the promises therein resulted in a hostile educational environment at TNS for Jews, such as Shabot, who were harassed and discriminated against because they identified as Zionist Jews.

a. Poster Policy¹⁴

144. TNS's Poster Policy sets forth the criteria and responsibilities for the temporary display of posters on TNS-owned or -leased property. The Poster Policy defines "posters" as "banners, sandwich boards, leaflets, chalking, digital easels, and displays, The TNS website, and projections onto walls and similar surfaces." The policy applies to students, student organizations, faculty, staff, academic or administrative units, and third-parties including contractors.

145. TNS's Poster Policy imposes time, place, and manner restrictions. The Policy expressly prohibits posters that "display true threats, discrimination, harassment, intentional false advertising, invasion of privacy, or any other message that violates or encourages violation of law or university policy and codes of conduct." The Policy also requires that the contact information for the individual, student organization, or academic or administrative unit responsible for the poster be visible. Additionally, the "hanging of posters on exterior and interior locations on university owned or leased property is restricted to identified display areas."

146. Further, under the Poster Policy, TNS prohibits students, faculty, and staff "acting in their personal capacity unrelated to New School activities" from displaying posters. "Posters not related to an event, exhibit, or activity must be removed by the student, staff, faculty, recognized student organization, academic, or administrative unit at the latest 17 days after the

14 *Poster Policy*, New Sch., <https://app.getguru.com/card/iLyap7GT/Poster-Policy> (last visited Oct. 7, 2024).

date the poster was first displayed.” Also, posters are prohibited in TNS corridors, common walls, entryway doors, windows, and stairwells. Posting on the “interior of elevators cabs is prohibited by the NYC building code and will be immediately removed by Buildings and Campus Operations.”

147. Pursuant to the Poster Policy, the TNS building operations staff is responsible for removing “posters on a routine basis in compliance with the stipulated time limitations and at the start of each month and at the conclusion of a semester.”

148. Failure to comply with the Poster Policy may result in “disciplinary or conduct action up to and including removal from the university community. Additional consequences include, but are not limited to, denial of permission to display a poster, or the removal of a poster. All posters that do not abide by this policy will be removed.”

149. In breach of the Poster Policy, and despite ample notice, TNS allowed numerous unauthorized harassing and threatening posters and fliers to be posted and remain in place throughout campus to the detriment of Shabot and other Jewish students.

150. The unauthorized posters contributed to a hostile educational environment at TNS that severely disrupted Shabot’s educational experience. Shabot suffered from anxiety from having to walk through campus buildings to go class or access necessary equipment, surrounded by posters that were hostile to Jews and Israelis, some of which contained threatening and incendiary content. Shabot was deprived of the educational experience she expected at TNS, and her grades suffered significantly.

b. Facilities Policy¹⁵

151. TNS's Facilities Policy states that any student organization may use university space for activities of an educational nature and "has the right to invite speakers representing any and all points of view to the university." The Facilities Policy also provides that every individual has the right to freedom of expression and states, "[t]he university and its Board of Trustees recognize their responsibilities to assure that all members of the university community and guests at the University are able to exercise this right."

152. TNS breached these promises to members of the TNS community by failing to assure that Jewish students participating in a university-sanctioned event on campus could hear from a speaker of their choosing. Hillel, a registered TNS Jewish student organization, reserved a room on TNS's campus to host a member of the IDF who was going to relay his traumatic experiences encountering bodies of slain Israelis on October 7, 2023. Unfortunately, student protesters ransacked the room where the event was to be held and then blocked students from entering. Hillel was forced to hurriedly relocate the event to a dean's office. Even then, TNS did not provide security. A Jewish student stood at the door to prevent a group of demonstrators from gaining entry. After being summoned, TNS security ended the event, failed to clear the hall of protesters, and failed to protect Jewish students from the harassment that awaited them as they left the building.

153. TNS's breach impacted Shabot's and other Jewish students' free expression and ability to contribute meaningfully to campus dialogue by inviting speakers of varying viewpoints.

¹⁵ *Supra* note 13.

c. TNS's Non-Discrimination Policy¹⁶

154. At all relevant times, TNS's Non-Discrimination Policy prohibited discrimination or harassment based on an individual's national origin or religion, among other protected classes, as well as "unprofessional or bullying behavior among members of the campus community."¹⁷ TNS pledged to "take all action necessary to prevent, correct and discipline behavior that violates this standard of conduct" and to use "due diligence" "to ensure that such action is taken as expeditiously as possible."¹⁸ Individuals found responsible for discrimination, harassment, or retaliation, "w[ould] be subject to the full range of institutional disciplinary actions, up to and including termination from the University."¹⁹

155. The Non-Discrimination Policy defined "Discrimination" as any action that deprives an individual of access to educational benefits or opportunities based on their actual or perceived protected status.²⁰ "Discriminatory Harassment"²¹ was defined as unwelcome conduct that creates an intimidating, hostile, or abusive environment²² in work, academics, student

¹⁶ *University Policy on Harassment, Discrimination, Prohibited Relationships, Title IX and Non-Title IX Sexual Harassment and Misconduct*, New Sch. (Oct. 5, 2023), https://docs.google.com/document/d/1c7LMvmpGFEuD4xb_P78Dpd9xPxOD4HsX6BkYAZS4S4/edit?ab=t.0.

¹⁷ *Id.* at Section I.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *See id.* at Section IV.

²¹ According to the Non-Discrimination Policy, "Discriminatory Harassment" included "verbal abuse, epithets, slurs or negative stereotyping," "threatening intimidating or hostile acts," "obscene comments or gestures," "offensive or derogatory displays of circulations (including electronic) in the work, academic or student residential environment," and "written or graphic material that disparages or shows hostility or aversion toward an individual or group." *Id.* at Section V.

²² The Non-Discrimination Policy defined a "hostile environment" as arising when unwanted and objectionable conduct, based on an individual's actual or perceived membership in a protected class, limits, denies, or unreasonably interferes with the individual's academic experience, including residential and campus life. Even a single or isolated incident could create a hostile environment. *See id.*

residential life, or co-curricular activities, and which alters the conditions of education or unreasonably interferes with an individual's academic performance based on their actual or perceived membership in a protected class.²³

156. The Non-Discrimination Policy identified all employees of TNS, except for those designated as confidential resources, as Responsible Employees who “are required to report all allegations of harassment or discrimination for which they have notice.”²⁴

157. TNS breached its promises in the Non-Discrimination Policy by failing to investigate and “take all action necessary” to discipline behavior in violation of the Policy. TNS allowed students to post signs with impunity across campus, some targeting the University's Jewish and Israeli students, in unauthorized campus locations for days—or indefinitely—without consequence. Despite Shabot's persistent outreach asking TNS administrators to remove the particularly egregious posters that called for intifada revolution or for Zionists to “fuck off,” and despite TNS administrators' acknowledgment that some of the signs were discriminatory, TNS, on information and belief, did not investigate the origins of the posters and took no responsive actions beyond eventually removing some of them.

158. On information and belief, TNS did not pursue Shabot's allegations that her classmate harassed her, which occurred multiple times in front of one of her professors. Shabot informed him of the ongoing harassment. As a Responsible Employee, he was obligated to report Shabot's allegations of harassment. Yet, on information and belief, he did not report what he witnessed to administrators.

²³ *See id.*

²⁴ *Id.* at Section XII.

159. TNS's breaches and the resulting hostile environment caused Shabot to suffer academically. Among other things, she had to complete her coursework in design labs bearing posters calling for Zionists, including Shabot, to "Fuck off," reach her classes by walking through hallways littered with unauthorized posters, and face the threat of harassment by unruly mobs of protesters. Shabot was spat at and assaulted while walking to and through the main campus building. Shabot was also forced to sit in class with someone who repeatedly harassed her in front of their professor.

d. TNS's Student Code of Conduct²⁵

160. TNS's Code identifies categories of student conduct that constitute sanctionable violations of the policy, including attempts to commit a prohibited act or assisting the planning of prohibited acts:

- a. *Disorderly Conduct*: includes "conduct that is unreasonable in the time, place, or manner in which it occurs," and the "obstruction or disruption of university-sponsored activities."
- b. *Harassment*: including, but not limited to, "verbal, written, or electronic actions that are abusive to any person."
- c. *Unreasonable and Excessive Noise*: "[c]reating noise as deemed unreasonable or excessive by university staff on university-owned or controlled property."
- d. *Safety of Others*: "[n]o person shall create conditions that endanger or threaten others or their property."

²⁵ *Student Code of Conduct*, New Sch., <https://drive.google.com/file/d/1O5fu4gknhy7azR7KF7UdL7j3B9rxIZjj/view> (last visited Oct. 7, 2026).

- e. *Bullying*: “[b]ehaviors that are repetitive, pervasive, and egregious and intended to intimidate, harass, frighten, insult, threaten, or otherwise harm an individual psychologically or physically.”²⁶
- f. *Physical Violence*: the intentional or reckless infliction of bodily harm on any person, including threatening the use of force to harm a person.
- g. *Unauthorized Posting*: the posting of announcements and other publicity items that are not in accordance with guidelines. “Approved items may only be posted in designated locations.”

161. TNS’s Code also prohibits student organizations, including groups and clubs, from engaging in, or authorizing its members to engage in, “any actions which are considered violations of the policies governing student conduct or behavior.”²⁷ Any student organization found in violation of the policies is subject to dissolution and revocation of its charter to operate.

162. The Code outlines investigative and disciplinary measures to be employed when students report violations of the Code by email to the Office of Student Conduct.

163. TNS breached its obligations under the Code, which caused Shabot to suffer academically. The Office of Student Conduct office ignored Shabot’s repeated emails documenting student breaches of the Code. On information and belief, the Office of Student Conduct did not initiate investigations or sanction students responsible for posting unauthorized signs or other harassment of Shabot and fellow Jewish and Israeli students. And among other things, Shabot had to do her coursework in spaces bearing posters calling for Zionists, such as

²⁶ *Id.* at Section II.

²⁷ *Id.* at Section VII.

Shabot, to “Fuck off,” reach her classes by walking through hallways littered with unauthorized posters, and face the threat of harassment by unruly mobs of protesters. Shabot was spat at and assaulted, while walking to and through the main campus building.

e. Demonstration Guidelines²⁸

164. TNS adopted Demonstration Guidelines to “balance the University’s desire to strongly encourage the exercise of free speech” and “activism,” on the one hand, with ensuring that the exercise of free speech does “not materially disrupt other university functions or interfere with the freedom of others, or otherwise violate the rights of others,” on the other. The policy recognizes that “[d]emonstrations that take place inside university facilities, including all university buildings and the enclosed courtyard areas they bound, always have great potential to disrupt normal functions.” TNS’s Demonstration Guidelines therefore impose time, place, and manner restrictions on demonstrations and establish content-neutral conditions in recognition, in part, that: “(1) the rights of individuals belonging to the university community or the public may well collide at such times”; and “(2) the University has the responsibility to carry out its educational and administrative functions as well as to protect the rights of all members of the community.”

- a. Members of the TNS community may peacefully protest any speaker or event, so long as the event can continue “without significant or material disruption.” “Any disruption including utterances of vocal dissent that, due to its repetitive or prolonged nature, inhibits the ability of the speaker(s) or other persons in attendance from speaking will be deemed significant and material.”

²⁸ <https://web.archive.org/web/20221002093606/https://www.newschool.edu/student-conduct/demonstration-guidelines/>

- b. “No person may enter or remain in a university owned or operated facility beyond that facility’s normal operating hours.”
- c. “Persons may not block or otherwise disrupt ingress and egress into and out of any facility that is owned or operated by the University or significantly impede the movement of people or disrupt regular or authorized activities in classrooms, offices, hallways, lobbies, studios, and laboratories.”
- d. “Persons may not engage in any conduct that threatens the safety and well-being of the campus community and must refrain from any conduct that involves any form of physical violence or physical intimidation.”
- e. “[P]ersons may not engage in any conduct that violates the University’s policies and procedures, including the Code of Conduct, as well as any federal, state or local laws.”
- f. “Organizations or persons sponsoring or organizing demonstrations, leafleting or equivalent activities will be responsible for compliance with these Guidelines and any related violation of applicable university policies and procedures.”

165. Violations of the Demonstration Guidelines “may be grounds for discipline against individuals, the sponsoring or participating organizations, and/or organizing officers.” Students who are found to have violated these Guidelines may be subject to a number of penalties. Faculty and staff members found to have committed a serious violation of university policy are also subject to a variety of penalties.

166. TNS breached the Demonstration Guidelines by, upon information and belief, failing to discipline protesters who, *inter alia*, blocked Shabot on multiple occasions from using

the main doors to the University Center; maintained encampments in the University Center, thereby impeding the ability of students, including Shabot, to get to class; and materially disrupted the March 7, 2024 Hillel event. Rather than enforce its policy, President Shalala doubled-down on TNS's breach by committing that "no community member will face disciplinary, professional or other legal sanctions for being in the 72 Fifth Avenue encampment and the faculty encampment in the University Center." Those encampments flouted the Demonstration Guidelines.

167. The unauthorized demonstrations and encampments in the main campus buildings created a hostile environment that deprived Shabot of access to her basic educational necessities.

COUNT I

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (Intentional Discrimination/Disparate Treatment)

168. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

169. Title VI prohibits recipients of federal financial assistance from intentionally discriminating on the basis of race, color, or national origin. The statute's protections extend to Jewish students subjected to discrimination based on their actual or perceived shared ancestry or ethnic characteristics and to Israeli students subjected to discrimination based on their actual or perceived national origin.

170. TNS receives financial assistance from the United States Department of Education and is therefore subject to suit under Title VI.

171. Shabot, who is Jewish and an Israeli citizen is protected by Title VI on the basis of her Jewish ancestry and ethnicity and her actual or perceived Israeli national origin. At all relevant times, Shabot was enrolled as a student at TNS and was qualified to participate in its educational programs and activities.

172. TNS, acting through its administrators, faculty, security personnel, and other employees, intentionally treated Shabot and other Jewish and Israeli students differently in their access to and enjoyment of TNS's educational programs, facilities, and activities, under circumstances supporting an inference that their Jewish ethnicity and/or actual or perceived Israeli national origin motivated TNS's conduct.

173. That differential treatment was reflected not only in TNS's failure to protect Jewish and Israeli students' equal access to university facilities and activities, but also in its markedly different treatment of the protesters whose conduct interfered with that access.

174. Although TNS acknowledged that protesters repeatedly violated University policies, TNS frequently declined to impose the consequences ordinarily associated with such violations and, at times, affirmatively accommodated or rewarded the protesters' conduct.

175. For example, President Shalala publicly praised participants in an unauthorized encampment and paid for a dinner. In another instance, TNS announced that participants in an unauthorized encampment would face no disciplinary sanctions.

176. At the same time, TNS failed to ensure that Shabot and other Jewish and Israeli students could access university facilities on the same terms as non-Jewish, non-Israeli students.

177. When protesters obstructed their access to the University Center while permitting other students to enter, TNS did not restore equal access. Instead, it required Shabot and other Jewish and Israeli students to use an alternative entrance.

178. TNS responded similarly when protesters seized and vandalized the space reserved for a Hillel event featuring an IDF speaker.

179. Rather than remove the protesters and restore the reserved space to the Jewish student organization, TNS relocated the Jewish students to a dean's office, a less suitable space for the event.

180. Then, when protesters surrounded the office, pounded on and rattled the door, and demanded that the students surrender "the terrorist," TNS terminated the Jewish students' event rather than secure their ability to continue it.

181. TNS's preferential treatment of protesters who interfered with Jewish students' rights, coupled with its repeated failure to provide those students the same access to university facilities and activities afforded to others, supports a plausible inference that Shabot's Jewish ethnicity and/or actual or perceived Israeli national origin was a substantial or motivating factor in TNS's conduct.

182. As a direct and proximate result of TNS's intentional discrimination, Shabot was forced to miss hours of classes, group events, and other educational benefits and experiences.

183. This caused Shabot to suffer from debilitating anxiety and panic attacks and to require medical care and treatment.

184. As a direct and proximate result of TNS's intentional discrimination, Shabot has suffered, and will continue to suffer, economic losses in the form of out-of-pocket medical expenses for medical care and treatment.

185. As a direct and proximate result of TNS's intentional discrimination, Shabot was deprived of access to educational opportunities and benefits, including equal access to TNS facilities, programs, and activities, as well as the loss of class time and group learning, which further impacted Shabot's academic performance.

186. Shabot is entitled to all compensatory and other monetary relief available under Title VI.

187. Shabot is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT II

Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d (Hostile Educational Environment/Deliberate Indifference)

188. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

189. Title VI prohibits recipients of federal financial assistance from intentionally discriminating on the basis of race, color, or national origin. The statute's protections extend to Jewish students subjected to discrimination based on their actual or perceived shared ancestry or ethnic characteristics and to Israeli students subjected to discrimination based on their actual or perceived national origin.

190. TNS receives financial assistance from the DOE and is therefore subject to suit under Title VI.

191. Shabot, who is Jewish and an Israeli citizen, is protected by Title VI on the basis of her Jewish ancestry and ethnicity and her actual or perceived Israeli national origin. At all relevant times, she was enrolled as a student at TNS and qualified to participate in its educational programs and activities.

192. TNS, which exercised substantial control over the harassers and the circumstances in which the harassment occurred, violated Title VI by acting with deliberate indifference to known harassment of Shabot based on her Jewish ethnicity and her actual or perceived Israeli national origin, that was sufficiently severe, pervasive, and objectively offensive to deprive her of equal access to TNS's educational opportunities and benefits.

193. The hostile educational environment to which Shabot was subjected resulted, in substantial part, from TNS's repeated failure to enforce its time, place, and manner restrictions and other rules governing demonstrations. By refusing to enforce those rules, TNS permitted antisemitic and anti-Israel demonstrations, rhetoric, signs, and other offensive messaging to permeate academic and common spaces in which Shabot and other Jewish and Israeli students were entitled to pursue their education without being subjected to conduct that TNS's own policies prohibited.

194. The hostile environment also resulted from repeated targeted harassment of Shabot and other Jewish and Israeli students, including verbal abuse, antisemitic epithets, intimidation, threats, obstruction of access to university facilities and activities, vandalism, pursuit, physical confrontation, and assault.

195. The harassment was persistent and escalating, occurred over a period of months, was at times physically threatening and humiliating, and materially interfered with Shabot's academic work, her participation in university activities, and her ability to use TNS's facilities on equal terms with other students.

196. TNS had actual knowledge of the harassment and exercised substantial control over the students and employees responsible for it, as well as over the University facilities, programs, and activities in which the harassment occurred.

197. From the time the harassment began in October 2023, Shabot repeatedly reported the conduct to TNS administrators, including professors and President Shalala. She provided photographs and videos documenting harassment and intimidation, identified individuals involved in the conduct, and reported violent and threatening rhetoric directed at Jewish and Israeli students.

Shabot also met in person with multiple TNS administrators and repeatedly sought intervention to stop the harassment and restore a safe educational environment.

198. TNS personnel also witnessed incidents in which protesters surrounded, obstructed, intimidated, and forced Jewish students from university facilities. TNS further acknowledged on multiple occasions that certain demonstrations and related conduct violated the Code and TNS's rules governing demonstrations.

199. Notwithstanding its actual knowledge, TNS was deliberately indifferent to the known discriminatory harassment directed at Shabot and other Jewish and Israeli students. Despite repeated reports, eyewitness knowledge, identification of individual harassers, and TNS's own acknowledgment that its policies were being violated, TNS repeatedly and unreasonably failed to investigate, discipline, deter, or otherwise take effective remedial measures reasonably calculated to end the harassment and prevent its recurrence.

200. TNS knew or should have known that its response to the harassment of Shabot was ineffective because substantially similar and increasingly serious harassment continued after Shabot's repeated reports. After TNS learned that Shabot had been physically excluded from the University Center, shoved, spat upon, and verbally abused, she was subjected to further obstruction, intimidation, vandalism, and physical assault.

201. TNS's response was also clearly unreasonable because it persisted in the same ineffective measures even after it knew those measures had failed to stop the harassment. TNS repeatedly reminded students of existing policies, advised them that their conduct violated University rules, and issued statements that discrimination and harassment would not be tolerated. Yet, as substantially similar and increasingly serious misconduct continued, TNS failed to alter its

approach, impose effective consequences, or take additional remedial measures reasonably calculated to end the harassment and prevent its recurrence.

202. TNS's failure left Shabot vulnerable to continued and escalating harassment and caused the hostile educational environment to persist.

203. As a direct and proximate result of TNS's deliberate indifference, Shabot was deprived of educational opportunities and benefits to which she was entitled on equal terms with other students, including safe and equal access to university facilities, academic spaces, and extracurricular activities. She also lost study and class time, which adversely affected her academic performance, and she suffered a concrete loss of educational opportunities and benefits for which she had paid tuition.

204. As a direct and proximate result of TNS's deliberate indifference, Shabot suffered physical and psychological symptoms, including anxiety, panic attacks, and emotional distress, requiring medical care and treatment.

205. Shabot is entitled to all monetary relief available under Title VI.

206. Shabot is entitled to attorneys' fees and costs pursuant to 42 U.S.C. § 1988.

COUNT III

New York Executive Law (NYSHRL) § 296(4) et seq.

207. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

208. At all relevant times, TNS was an "educational institution" within the meaning of the NYSHRL, N.Y. Executive Law § 290, et seq.

209. N.Y. Executive Law § 296(4) makes it an unlawful discriminatory practice for an educational institution to deny the use of its facilities to an otherwise qualified person, or to permit

the harassment of a student, because of, among other protected characteristics, race or national origin.

210. Shabot is Jewish and is an Israeli citizen. She is protected by the NYSHRL on the basis of her Jewish ancestry and ethnicity and her Israeli citizenship. At all relevant times, Shabot was enrolled as a student at TNS and was otherwise qualified to use and participate in TNS's educational programs, facilities, services, and activities.

211. As alleged above, Shabot was subjected to repeated discrimination and harassment because she was Jewish and Israeli, including antisemitic and anti-Israel slurs and epithets, intimidation, threats, obstruction of access to University facilities and activities, vandalism, pursuit, spitting, physical confrontation, and assault.

212. TNS had actual and repeated notice of the discriminatory harassment directed at Shabot. Shabot repeatedly reported the misconduct to TNS administrators, professors, security personnel, Student Conduct, and the Office of the President, and TNS personnel also personally witnessed incidents of harassment, obstruction, intimidation, and exclusion.

213. Despite that notice, TNS failed to take effective measures to stop the harassment and prevent its recurrence and repeatedly failed to investigate, deter, discipline, or otherwise meaningfully address misconduct that it knew was continuing and escalating.

214. TNS also failed to ensure that Shabot could use and enjoy its facilities, programs, and activities on equal terms with other students. As alleged above, Shabot was physically excluded from University facilities while non-Jewish students were permitted to enter, was forced to use alternative entrances and spaces, and was deprived of full participation in University-approved activities.

215. TNS's permitting discriminatory harassment, its failure to restore Shabot's equal access to University facilities and activities, and its materially different treatment of those interfering with the rights of Jewish and Israeli students support a plausible inference that Shabot's Jewish ancestry and ethnicity and/or Israeli national origin were substantial or motivating factors in TNS's conduct.

216. By reason of the foregoing, TNS permitted the harassment of Shabot and denied her the equal use and enjoyment of its facilities because of her Jewish ancestry and ethnicity and Israeli national origin, in violation of N.Y. Exec. Law § 296(4).

217. As a direct and proximate result of TNS's violations of the NYSHRL, Shabot suffered economic, educational, emotional, and other compensable injuries, including lost class and study time, diminished access to University facilities and services, academic harm, anxiety, panic attacks, emotional distress, and loss of enjoyment of life.

218. Shabot is entitled to all relief available under the NYSHRL, including compensatory damages and reasonable attorneys' fees and costs pursuant to N.Y. Exec. Law § 297(10).

COUNT IV

New York Civil Rights Law § 40-c, *et seq.*

219. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

220. New York Civil Rights Law § 40-c(2) provides that "[n]o person shall, because of race, creed, color, national origin," or other protected characteristic, be subjected to discrimination in the exercise of his or her civil rights by any person, corporation, or institution.

221. New York Civil Rights Law § 40 guarantees all persons the full and equal accommodations, advantages, facilities, and privileges of places of public accommodation without discrimination on the basis of, among other characteristics, race or national origin. Colleges and universities are places of public accommodation within the meaning of the statute.

222. Shabot is Jewish and an Israeli citizen. She is protected by the New York Civil Rights Law on the basis of her Jewish ancestry.

223. As alleged above, TNS subjected Shabot to discriminatory treatment in the exercise and enjoyment of her civil rights because of her Jewish ancestry, including by failing to afford her equal access to and enjoyment of TNS's educational facilities, programs, services, and activities.

224. Among other things, Shabot was physically excluded from University facilities while non-Jewish and non-Israeli students were permitted to enter, obstructed from accessing facilities and equipment necessary for her coursework, driven from University spaces, and denied equal participation in University-approved activities.

225. TNS had actual and repeated notice of the discriminatory treatment directed at Shabot and, on multiple occasions, TNS personnel personally witnessed conduct that interfered with her access to and use of University facilities and activities.

226. TNS nevertheless failed to secure Shabot's equal access to its facilities and educational opportunities and, as alleged above, treated persons whose conduct interfered with the rights of Shabot and other Jewish and Israeli students materially more favorably.

227. By reason of Shabot's Jewish ancestry and ethnicity and Israeli national origin, TNS subjected her to discrimination in the exercise and enjoyment of her civil rights, including her right to the full and equal accommodations, advantages, facilities, and privileges of TNS, in violation of New York Civil Rights Law § 40-c.

228. Pursuant to New York Civil Rights Law § 40-d, TNS is liable for the statutory penalty prescribed for each violation of § 40-c, together with such other relief as may be available by law.

229. At or before commencement of this action, Shabot will serve notice of this action upon the New York State Attorney General as required by New York Civil Rights Law § 40-d.

COUNT V

N.Y.C. Admin. Code § 8-107

230. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

231. The NYCHRL prohibits an agent or employee of any place or provider of public accommodation from denying any person the full and equal enjoyment, on equal terms and conditions, of their accommodations, advantages, services, facilities, or privileges because of, among other things, race, creed, or national origin. N.Y.C. Admin. Code § 8-107(4).

232. At all relevant times, TNS was a place or provider of public accommodation within the meaning of the NYCHRL.

233. Shabot is Jewish, an Israeli citizen. The discrimination alleged herein was based on her actual or perceived Jewish identity and ancestry and her actual or perceived Israeli national origin. As alleged above, references to Shabot as a “Zionist” and “Zio” were used as proxies for her Jewish and Israeli identity.

234. The NYCHRL must be construed independently and liberally to accomplish its broad remedial purposes.

235. As alleged above, because Shabot is Jewish and an Israeli citizen, she was repeatedly denied the full and equal enjoyment of TNS's educational programs, facilities, services, activities, and privileges and was treated less well than students who were not Jewish or Israeli.

236. Among other things, Shabot was excluded and obstructed from University facilities while other students were permitted access; denied equal and secure access to academic and extracurricular activities; subjected to discriminatory harassment, intimidation, and physical aggression; and forced to alter how and where she accessed TNS facilities in order to avoid such conduct.

237. TNS had actual and repeated notice of the discriminatory treatment directed at Shabot and other Jewish and Israeli students, yet failed to take effective measures to stop the conduct, restore Shabot's equal access, or prevent the discrimination from recurring.

238. TNS further treated those interfering with the rights of Jewish and Israeli students more favorably, including by repeatedly declining to impose meaningful consequences for violations of University rules and, at times, accommodating or rewarding the persons engaging in such conduct.

239. TNS thereby subjected Shabot to materially less favorable treatment and deprived her of the full and equal enjoyment, on equal terms and conditions, of TNS's accommodations, advantages, services, facilities, and privileges because of her Jewish identity and ancestry and Israeli national origin, in violation of N.Y.C. Admin. Code § 8-107(4).

240. As a direct and proximate result of TNS's violations of the NYCHRL, Shabot suffered educational and economic injury, anxiety, panic attacks, emotional distress, humiliation, loss of enjoyment of life, and other pecuniary and non-pecuniary damages.

241. TNS's violations were willful and undertaken with conscious disregard for Shabot's rights under the NYCHRL, entitling Shabot to all remedies available under the NYCHRL, including compensatory and punitive damages, reasonable attorneys' fees and costs, and such other relief as the Court deems appropriate pursuant to N.Y.C. Admin. Code § 8-502.

242. Per NYCHRL § 8-502, Plaintiffs will serve notice of this complaint upon the City Commission on Human Rights and the Corporation Counsel.

COUNT VI

Breach of Contract

243. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

244. A contractual relationship existed between TNS and Shabot by virtue of Shabot's enrollment at TNS. Shabot agreed to pay tuition and fees and to comply with TNS's academic and student requirements; TNS, in return, agreed to provide the educational services, facilities, programs, and other benefits of enrollment in accordance with the specific terms, policies, and procedures applicable to its students.

245. The terms of the parties' contractual relationship included specific and discrete promises contained in TNS's published policies and regulations, including its Poster Policy, Facilities Policy, Non-Discrimination Policy, of the Code, and Demonstration Guidelines.

246. These policies imposed specific obligations capable of objective enforcement and were not merely general expressions of institutional aspiration.

247. Among other things, TNS's Poster Policy expressly provided that noncompliant posters "will be removed"; its Non-Discrimination Policy required TNS to "take all action necessary to prevent, correct and discipline" prohibited conduct and required designated

employees to report allegations of discrimination and harassment; and its Use of University Facilities Policy recognized the right of student organizations to use University space and invite speakers representing differing viewpoints.

248. TNS breached these contractual obligations. As alleged above, TNS repeatedly failed to remove unauthorized postings as required by its Poster Policy, failed to take or initiate corrective measures required by its Non-Discrimination Policy, and failed to protect Shabot's and other Jewish students' ability to use reserved University space and participate in an authorized Hillel event.

249. TNS further failed to administer and enforce the Code and Demonstration Guidelines consistently with the specific protections and procedures set forth therein, despite repeated notice that students and others were obstructing access to University facilities, materially disrupting authorized activities, engaging in physical intimidation, and otherwise violating those policies.

250. These breaches were not isolated or technical. They materially interfered with Shabot's access to classrooms, studios, equipment, University buildings, educational services, and extracurricular activities governed by TNS's policies.

251. Shabot performed her obligations under the parties' contract, including by paying tuition and fees and complying with the requirements imposed upon her as a TNS student.

252. As a direct and foreseeable result of TNS's breaches, Shabot suffered recoverable damages, including out-of-pocket expenses for services she otherwise could have obtained through TNS, such as printing. loss of access to facilities and educational services for which she paid tuition and fees, and loss of educational and extracurricular opportunities forming part of the benefit of her bargain.

253. Shabot is entitled to recover all damages and other relief available for TNS's breach of contract.

COUNT VII

Negligent Infliction of Emotional Distress

254. Plaintiff incorporates by reference the foregoing allegations as if fully set forth herein.

255. TNS owed Shabot a duty to exercise reasonable care to protect her from reasonably foreseeable physical harm occurring on property owned, occupied, and controlled by TNS, where TNS had notice of the danger and the ability to take reasonable protective measures.

256. TNS had authority and control over its campus facilities, security personnel, students, faculty, student organizations, and demonstrations occurring on University property, and maintained policies governing conduct, access to University facilities, demonstrations, physical intimidation, and violence.

257. TNS knew or should have known that Shabot faced a foreseeable risk of physical harm. Shabot repeatedly reported escalating harassment, intimidation, obstruction, and physical aggression to TNS administrators and security personnel, and TNS personnel directly witnessed several incidents.

258. Despite that notice, TNS repeatedly failed to take reasonable measures to protect Shabot from foreseeable physical harm.

259. As alleged above, Shabot was shoved from the University Center and spat upon; trapped in a room while protesters surrounded the room, violently pounded on the door, and attempted to gain access; surrounded and forced from a University building while TNS security

watched and failed to intervene; obstructed and pursued by protesters while attempting to leave University facilities; and later had a glass bottle thrown at her head, narrowly missing her.

260. Several of these incidents occurred in the presence of TNS security personnel or administrators who failed to intervene. Others occurred after TNS had already received repeated notice that Shabot was being targeted and physically endangered and that its prior responses had failed to prevent recurrence.

261. TNS's failure to take reasonable protective measures under these circumstances unreasonably endangered Shabot's physical safety and caused her reasonably to fear for her own physical safety.

262. Further acts of intimidation and physical aggression against Shabot were reasonably foreseeable in light of the prior incidents, TNS's repeated notice of those incidents, and the continued escalation of the misconduct.

263. As a direct and proximate result of TNS's negligence, Shabot suffered severe emotional distress, including panic attacks, uncontrollable shaking, anxiety, fear, insomnia, difficulty concentrating, and fear of entering and moving through TNS buildings, and she sought professional treatment.

264. Shabot's emotional injuries were genuine and substantial and resulted directly from the physical danger to which TNS's negligence exposed her and her reasonable fear for her own safety.

265. As a direct and proximate result of TNS's negligent infliction of emotional distress, Shabot has suffered damages in an amount to be determined at trial.

JURY TRIAL DEMANDED

266. Shabot hereby demands a jury trial for all issues so triable.

PRAYER FOR RELIEF

WHEREFORE, Shabot prays and requests that a judgment be entered in her favor, and against TNS awarding:

1. Compensatory and consequential damages in amounts to be determined at trial;
2. Punitive damages to the extent permitted by law;
3. Statutory penalties of not less than \$100 and not more than \$500 for each violation of New York Civil Rights Law §§ 40-c and 40-d;
4. Reasonable attorneys' fees, costs, expenses, and expert fees to the extent authorized by applicable law;
5. Prejudgment and post-judgment interest at the maximum rates permitted by law; and
6. Such other and further relief as the Court deems just and proper.

Dated: October 7, 2026

New York, New York

/s/ Ziporah Reich

Ziporah Reich

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