



October 15, 2025

Via email:

Washington DC (Metro)  
Office for Civil Rights  
U.S. Department of Education  
[OCR.DC@ed.gov](mailto:OCR.DC@ed.gov)

U.S. Department of Education  
Office for Civil Rights  
[OCR@ed.gov](mailto:OCR@ed.gov)

***Re: Amended\* Civil Rights Complaint Against Davidson College for Violations of Title VI, Title IX, and Recent Trump Administration Directives***

### **Introduction and Jurisdiction**

Undersigned counsel represents students Cynthia Huang and Hannah Fay in this complaint against Davidson College and responsible officials. The allegations below are based on Davidson College officials' actions and inactions following the October 7<sup>th</sup> Massacre of Israelis by Hamas, when the Israel/Palestine conflict became a major part of campus discourse.

Your office has jurisdiction over this complaint because Davidson College receives federal funds. In fiscal years 2023 and 2024, respectively, Davidson received \$4,240,063.00 and \$2,546,239.00 in government grants and contracts. Your office also has jurisdiction because the facts presented allege violations of federal law, including Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments Act of 1972, with the most recent discrete violation occurring on April 3, 2025, when Davidson College President Douglas Hicks dismissed Cynthia's allegations of discrimination and harassment, failing to offer any remedy.

Although Cynthia and Hannah are not of Jewish or Israeli descent, the facts below describe their attempts to express support for those groups. This complaint will show Davidson officials discriminated against and harassed Cynthia and Hannah on the basis of the content of their support—i.e., on the basis of race, ethnicity, and national origin. If Cynthia and Hannah had, as their comparators did, expressed support for the ethnic group currently (as then) engaged in war with the State of Israel, Davidson officials would not have treated them in the manner described. Further, Davidson officials (disfavorably) treated Cynthia and Hannah as if they were part of the group for which they expressed support, apparently perceiving them to be “part” of that group. In a sense, Cynthia and Hannah bore the discrimination from anti-Israel<sup>1</sup> students and officials along with, or on behalf of, their Jewish classmates.

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\* The September 5, 2025 filing included a scrivener's error. Undersigned counsel accidentally listed Davidson official Mak Tompkins as "Thompson." Although Tompkins was correctly identified in supporting pictures, counsel files this amended complaint to correct that error.

<sup>1</sup> This complaint uses the terms “anti-Israel” and “pro-Israel” to indicate the battling ideologies on Davidson's campus. Cynthia and Hannah's experience shows that Davidson College officials turn a blind eye when oppositional students engage in conduct and expression that show that they not only support Palestine/Hamas, but also do not respect Jews/want to destroy them, indeed facilitating such discriminatory conduct and expression.



In short, officials at Davidson acted against Cynthia and Hannah on the basis of race, ethnicity, and national origin. Thus, Cynthia and Hannah are protected by Title VI and other relevant federal law. Allegations 4 and 5 describing censorship of Cynthia and Hannah's expression of belief in biological, binary sex is based on Title IX. Federal law directs your office to hold recipients of federal funds accountable for these violations.

### Authority

Your office has authority to investigate this complaint against an educational institution receiving federal financial assistance under the following directives:

1. **Title VI of the Civil Rights Act of 1964.** Under Title VI, “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” “The purpose of Title VI is simple: to ensure that public funds are not spent in a way that encourages, subsidizes, or results in discrimination on these bases. Toward that end, Title VI bars intentional discrimination.”<sup>2</sup>

ED has authority to “investigate complaints that students were...harassed for how they...speak in ways linked to ethnicity or ancestry.”<sup>3</sup> The DOJ, quoting President John F. Kennedy, holds fast to the promise that “[s]imple justice requires that public funds, to which all taxpayers of all races [colors, and national origins] contribute, not be spent in any fashion which encourages, entrenches, subsidizes or results in racial [color or national origin] discrimination.”<sup>4</sup>

“The essential elements of a Title VI claim are (1) there is race or national origin discrimination, and (2) the entity engaged in discrimination is receiving federal financial assistance.” *Wells v. E. Baton Rouge Sch. Sys.*, LEXIS 163673, \*9 (M.D. La. 2024) (citing *Nat'l Ass'n of Gov't Employees v. City Pub. Serv. Bd. of San Antonio*, 40 F.3d 698, 706 n.9 (5th Cir. 1994)). The facts alleged in this complaint satisfy these elements. DOJ guidance explains that because the prevention of discrimination is an essential purpose of Title VI, a recipient of federal funds is accountable in all its actions to prohibit such discrimination. The recipient's obligations are not limited to actions taken solely or specifically against the ultimate beneficiary.<sup>5</sup> Thus, Davidson College officials are accountable to prevent

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engage in conduct and expression that show that they not only support Palestine/Hamas, but also do not respect Jews/want to destroy them, indeed facilitating such discriminatory conduct and expression.

<sup>2</sup> DOJ CIVIL RIGHTS TITLE VI LEGAL MANUAL § VI.A.

<sup>3</sup> <https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/frequently-asked-questions-race-color-and-national-origin-discrimination>

<sup>4</sup> <https://www.justice.gov/crt/fcs/TitleVI>

<sup>5</sup> “Title VI would operate not only to ensure nondiscrimination against homeless people--the ultimate beneficiaries--but would also require the recipient to select the food service contractor in a nondiscriminatory manner. An essential



discrimination on the basis of race, color, and national origin regardless of whether they specifically target the ultimate beneficiary with their actions/inactions.

2. **Title IX of the Education Amendments Act of 1972.** Under Title IX, “[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.” This law permits certain limited exceptions, such as the mandate for separate bathroom facilities, which are not relevant to this complaint. Sex in the context of Title IX means biological sex. *See, e.g., Tennessee v. Cardona*, 762 F. Supp. 3d 615, 622 (E.D. Ky. 2025) (“Put simply, there is nothing in the text or statutory design of Title IX to suggest that discrimination ‘on the basis of sex’ means anything other than it has since Title IX’s inception—that recipients of federal funds under Title IX may not treat a person worse than another similarly-situated individual on the basis of the person’s sex, i.e., male or female.”).
3. **Executive Order No. 14151.** President Trump has determined to **End Radical and Wasteful Government DEI Programs and Preferencing**. To accomplish this goal, President Trump has empowered ED to “terminate....all DEI...offices and positions” as well as “all ‘equity action plans,’ ‘equity’ actions, initiatives, or programs, ‘equity-related’ grants of contracts.”
4. **Executive Order No. 14173.** President Trump has determined to **End Illegal Discrimination and Restore Merit-Based Opportunity**. The Trump Administration has acknowledged that American “institutions of higher education have adopted and actively used dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called ‘diversity, equity, and inclusion’ (DEI) or ‘diversity, equity, inclusion, and accessibility’ (DEIA) that can violate the civil rights laws of this Nation.” The administration has further acknowledged that “Illegal DEI and DEIA policies not only violate the text and spirit of our longstanding Federal civil-rights laws, they also undermine our national unity, as they deny, discredit, and undermine the traditional American values of hard work, excellence, and individual achievement in favor of an unlawful, corrosive, and pernicious identity-based spoils system. Hardworking Americans who deserve a shot at the American Dream should not be stigmatized, demeaned, or shut out of opportunities because of their race or sex.” The Trump Administration further ordered the Attorney General to “[t]erminate all...‘equitable deployment of financial...assistance.’”
5. **Executive Order No. 14168.** President Trump has determined to **Defend Women from Gender Ideology Extremism and Restore Biological Truth to the Federal Government**. The Trump Administration has ordered that “Federal funds shall not be used to promote gender ideology. [ED] shall assess grant conditions and grantee preferences and

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purpose of Title VI--to prevent discrimination--would be undermined if it were limited to ensuring that a homeless shelter was operated in a nondiscriminatory manner, while the process by which such a facility is constructed, supplied, and serviced were free of any such restraints.” [DOJ CIVIL RIGHTS TITLE VI LEGAL MANUAL § VI.V.A.](#)



ensure grant funds do not promote gender ideology.” This directive mandates the DOJ must ensure students (whether in public or private schools) are secure in their right to assert their opinion on the binary nature of sex and the right to single-sex spaces (i.e., free speech rights). This directive further requires the DOJ and ED to prioritize investigation and litigation to support of the freedoms protected by this directive, including the right to free speech.

6. **Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter.** ED has stated that “[a]ll students are entitled to a school environment free from discrimination.” ED therefore has advised schools to “ensure that their policies and actions comply with existing civil rights law” and “cease all efforts to circumvent prohibitions on the use of race by relying on proxies or other indirect means to accomplish such ends.” ED has stated that DEI programs violate these directives because they “frequently preference certain racial groups and teach students that certain racial groups bear unique moral burdens that others do not. Such programs stigmatize students who belong to particular racial groups based on crude racial stereotypes. Consequently, they deny students the ability to participate fully in the life of a school.”

### **Allegations**

1. **Davidson College officials violated Title VI, Executive Order 14151, Executive Order 14173, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter by discriminating against pro-Israel messages on the basis of identity.**
  - a. After the October 7 Massacre, Davidson officials allowed aggressive anti-Israel demonstrations to permeate campus. For example, Davidson officials permitted demonstrators to stage a takeover of the Chambers Building, the central building on campus:





Put up anti-Israel signage:



And, in at least one instance, work with outside agitators:



6

- b. This resulted in ongoing severe and pervasive harassment, intimidation, and hostility against Jewish and pro-Israel students, resulting in a racially, ethnically, and religiously-charged hostile environment.<sup>7</sup>

#### **Contrasting Literature (Pamphlets and Posters)**

- c. Seeing a lack of balance in the Israel/Palestine conversation on campus, Cynthia and Hannah wanted to express support for Israel and the Jewish people.
- d. In October 2024, Cynthia, Hannah, and other members of the Davidson College Young Americans for Freedom chapter (a student club of which Cynthia was president) distributed copies of a pamphlet entitled “The Five Myths About Israel Perpetrated by the Pro-Hamas Left,”<sup>8</sup> written by Middle East expert Robert Spencer. The pamphlet argues the pro-Palestine movement is based on false premises and inherently linked to Jew-hatred.
- e. The students placed the pamphlets on tables in the library and Student Union, as was customary at Davidson. Shortly after, they witnessed students throwing the pamphlets away and Davidson College Director of College Union & Student Activities Emily Eisenstadt informed Cynthia that she was not allowed to distribute more. Cynthia was surprised at this ban, given that she and her chapter had often seen material promoting leftist ideology lying around campus.

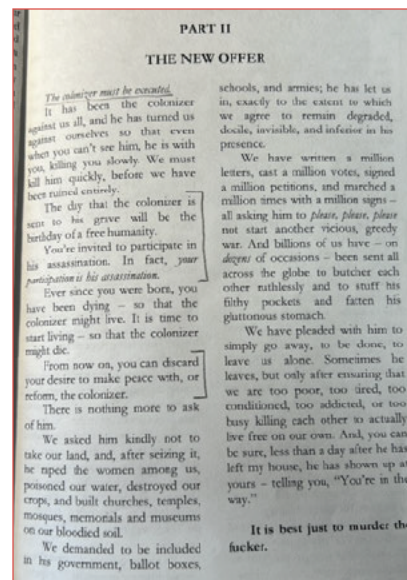
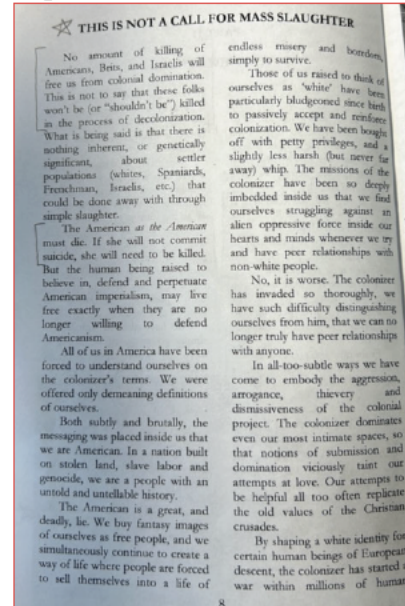
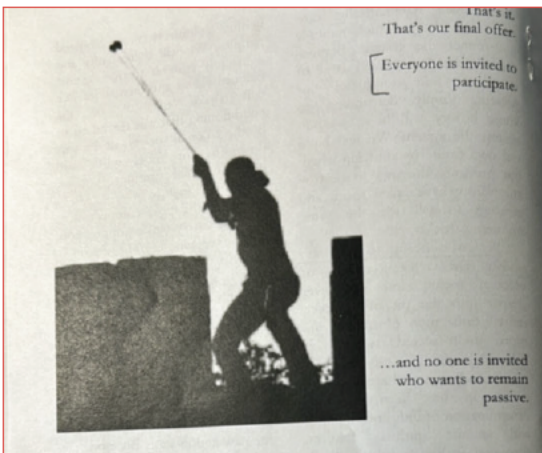
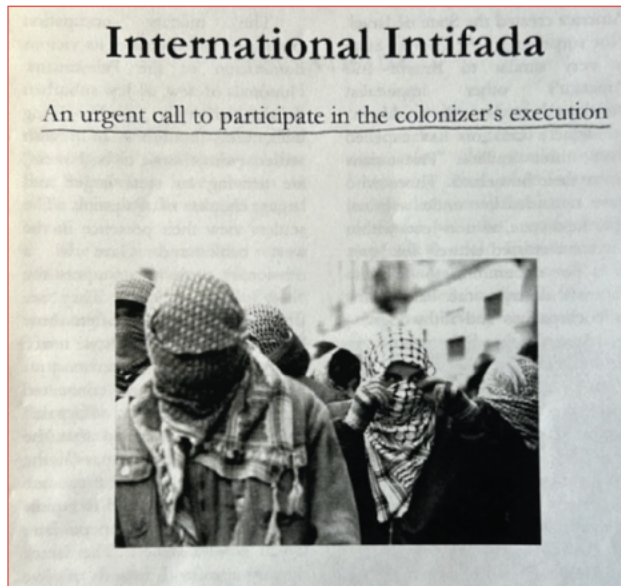
<sup>6</sup> Photo of an outside agitator at an April 2024 anti-Israel demonstration. Witnesses know this person was an outside agitator because Davidson is a small campus; outsiders are easily spotted.

<sup>7</sup> Upon learning that Jewish students at Davidson were so afraid of harassment that some had resorted to hiding their Jewish identity or meeting in secret, undersigned counsel spoke personally or through third parties to several Jewish students at Davidson. None were willing to put their safety on the line by coming forward and joining this complaint. Their fears of retaliation have silenced them. Undersigned counsel inserts this footnote for awareness and to preserve this claim should a Jewish student come forward.

<sup>8</sup> <https://yaf.org/wp-content/uploads/2024/04/IsraeliPalestinian-Pamphlet-single-pages-1.pdf>



- f. Take, for example, the pamphlet entitled “International Intifada: An urgent call to participate in the colonizer’s execution,” excerpted below:



- g. To summarize, this literature states that:
- Jews, Americans, and Brits should all be killed,
  - whiteness = colonization
  - colonization = evil that must be destroyed, and
  - genocide will never be enough to eradicate whiteness from the world.



- h. An anti-Israel group, “Cats Against Imperialism”<sup>9</sup> distributed this pamphlet at the winter Student Activities Fair on January 24, 2025, a school-monitored event, and the pamphlets continued to circulate for some time. Students encountered it distributed around campus, in the same manner as Cynthia had distributed her pamphlet.
- i. Contrast these calls for genocide with Cynthia’s pamphlet, which espouses historical and geographical facts and never calls for violence.



- j. Yet Cynthia’s pamphlet was the one banned, and its distributors the ones punished, as detailed in Allegation 3. **This is blatant discrimination based on identity of the group discussed because Davidson officials permitted anti-Israel literature but banned pro-Israel literature.**
- k. Davidson officials also permitted anti-Israel students to cover the interior walls of Chambers Hall with thousands of posters listing the names of Palestinians who had died in the war against Israel. According to eyewitnesses, the posters were up in the morning, came down for about an hour, then mysteriously went back up until the close of day. There is no approval process for such a display; the walls of Chambers are not a bulletin board. One person with knowledge of the situation stated, “hanging the posters is a violation of the college’s posting policy, and there has been a back and forth between them.” **The only explanation is that Davidson officials negotiated with the anti-Israel students to allow this demonstration, over the complaints of Jewish students and in spite of school policy, while**

<sup>9</sup> This group changes its name regularly, but its aim is consistent: Villainize Jews and the State of Israel.





suppressing much more subdued support for the other side of the racially and ethnically-charged issue.

### Pro-Israel Flag Display

- l. This contrast extends to demonstrations as well as literature. In anticipation of the one-year anniversary of the October 7<sup>th</sup> Massacre, Cynthia requested permission to place Israeli flags on campus to commemorate the lives lost in that terror attack. Emily Eisenstadt initially granted permission, but then changed the location last-minute.<sup>10</sup>
- m. Cynthia and Hannah adapted to this roadblock, only to hit another. Cynthia, Hannah, and their YAF chapter decided put the flags up a few hours early out of fear of harassment. They waited until nightfall the night before their reservation so that no one would see them creating the display. Eisenstadt received a report of this and demanded that Cynthia to remove the flags, even though they would be up again a few hours later:

From: Eisenstadt, Emily <emeisenstadt@davidson.edu>  
Sent: Sunday, October 6, 2024 10:05:56 PM  
To: Huang, Cynthia [REDACTED]  
Subject: Re: New location needed for Monday's event

Hi Cynthia,

I need you to take the flags down tonight or you won't be permitted to have them up tomorrow. The flags were not approved to go up before 8am tomorrow morning (the time you communicated on your WildcatSync event) and they are not in the location that I sent you on Friday. Thank you for the clear signage.

Please have them down by 11pm tonight.

Emily



Emily Eisenstadt (she/her)  
Director of College Union  
and Student Activities

704-894-2192  
davidson.edu

- n. The students' caution was warranted. In spite of the protective steps they took, Cynthia and Hannah did encounter destruction and harassment. People yelled at them, and an individual stomped on the flags. **School police were on sight watching this happen and did nothing to help.**
- o. Cynthia and Hannah did not remove the flags that night. They chose to listen to their gut instead of Eisenstadt's uncaring demands. **Eisenstadt's censorship of Cynthia and Hannah's support and deliberately indifferent disregard for their safety concerns hinge on the identity of the protected group being discussed and is sufficient to form a discrete violation of federal law.**<sup>11</sup>
- p. Indeed, the next morning, the flags were gone. Someone had stolen them. Cynthia and Hannah reported the theft to the Dean of Students, who directed them to bring

<sup>10</sup> Administrators often use this change-of-venue tactic to make disfavored expression more difficult.

<sup>11</sup> Contrast this refusal to negotiate with Davidson officials' decision to permit anti-Israel activists to put up thousands of posters inside Chambers in violation of school rules.



their complaint to the honor council. The honor council then dismissed the complaint because "there was not enough evidence." Records indicate that all the honor council did was check to see if there were security cameras in that area. The council took no reasonable steps to interview witnesses, such as, for example, the interestingly large number of staff members in the area where the flags should have been that morning. **It is possible that Eisenstadt made good on her ultimatum and removed the flags herself or through a third party, resulting in another discrete violation.**

- q. Contrast this situation with the much more significant anti-Israel displays described at the beginning of Allegation 1. The facts show that Davidson officials treated anti-Israel displays with kid gloves but censored pro-Israel displays, even where the latter were of a much smaller scale and where those students made good faith attempts to comply with school rules. Allegation 1 shows a clear message from Davidson College: If you are pro-Israel and follow the rules, you will be berated and punished. If you are anti-Israel and break the rules, you can convey whatever message you like and avail yourself of the college's reporting system.<sup>12</sup>
  - r. These facts are sufficient to state a Title VI claim.
- 2. Davidson College Director of Student Rights and Responsibilities Mak Tompkins violated Title VI, Executive Order 14151, Executive Order 14173, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter by harassing, intimidating, and threatening pro-Israel students on the basis of identity.**
- a. On February 20, 2025 Tompkins asked Cynthia to come to her office for vague reasons, saying only that she had received complaints regarding the YAF chapter. To ensure she had backup at a potentially adversarial meeting, Cynthia asked Hannah to attend the meeting with her.
  - b. The students were shocked when Tompkins began questioning them about the Spencer pamphlet. They were even more shocked when Tompkins followed up that meeting with the below-excerpted notice of investigation:

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<sup>12</sup> As described in Allegation 3, Davidson College's complaint system works only for certain students, depending on your views concerning Israel.



Dean of Students Office • 209 Ridge Road • Box 5000 • Davidson, NC 28035 • davidson.edu

February 28, 2025

Young Americans for Freedom (YAF) Student Org  
Sent electronically to [REDACTED]

**PERSONAL AND CONFIDENTIAL**

Regarding Case Number: 2024054402

Dear Cynthia, President of Young Americans for Freedom (YAF),

A priority at Davidson College is to provide a holistic student experience focusing on students' well-being and college success. My office received information that, if accurate, may indicate that you violated the Code of Responsibility and thus go against this priority. The information is regarding an incident that occurred on or around Sunday, October 6, 2024 at approximately in or near Davidson College campus.

**Incident Summary:** The Dean of Students Office has received several complaints that leaders of the student organization Young Americans for Freedom (YAF) distributed a pamphlet entitled "The Five Myths About Israel Perpetrated by the Pro-Hamas Left" which allegedly includes misinformation that promotes islamophobia. It is also alleged that YAF publicly shared a post from "Libs of TikTok" on their instagram account speculating the sex/gender identity of Imane Khelif, an Algerian boxer, which allegedly includes misinformation that promotes transphobia. Individuals have reported feeling threatened and unsafe on campus as a result of the alleged actions.

- c. In this notice, Tompkins explained that Cynthia and Hannah may have violated the Student Code of Conduct policy against harassment simply by distributing the pamphlet. Tompkins also demanded that Cynthia meet with her a second time.
- d. In Cynthia and Hannah's educated judgment, Tompkins's goal was obviously to censor their views on Israel. Cynthia and Hannah did not want to attend such a meeting. In fact, Cynthia was so troubled that she sought legal counsel.
- e. After consulting an attorney, Cynthia refused the second meeting. After all, the letter did not outline any consequences for such refusal. Tompkins, however, refused to let it go. In a string of emails, Cynthia repeatedly asks Tompkins whether the meeting is mandatory, and Tompkins repeatedly obfuscates:





**From:** Huang, Cynthia [REDACTED]  
**Sent:** Wednesday, March 5, 2025 4:04 PM  
**To:** Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
**Subject:** Response to Letter

Hello Mak,

I would like to refuse both options provided in the letter. The first option would involve admitting wrongdoing, and I am not apologetic for my actions nor see how they constituted as harassment. As for the second option, I do not wish for my consequences to be determined by individuals who are most likely sympathetic to my accusers.

What will happen if I refuse both options?

Respectfully,  
Cynthia Huang

**From:** Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
**Sent:** Thursday, March 6, 2025 3:24 PM  
**To:** Huang, Cynthia [REDACTED]  
**Subject:** Re: Response to Letter

Hi Cynthia,

Since you are refusing both options, I think we should meet again, in person, to discuss the pathway(s) forward. Perhaps this may be a good time to involve your campus adviser (which I have listed as Dr. Brian Shaw, please let me know if this is or is not correct). I have availability next week (Spring Break) and the week after, if the week of Spring Break doesn't work for you. Please send over your availability and I will set up a meeting time.

Best,  
Mak



**Mak Tompkins (she/they)**  
Director of Student Rights & Responsibilities  
Dean of Students Office

209 Ridge Road  
Box 5000  
Davidson, NC 28035

(704) 894-2225  
[davidson.edu](http://davidson.edu)

**From:** Huang, Cynthia [REDACTED]  
**Sent:** Thursday, March 13, 2025 11:45 AM  
**To:** Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
**Subject:** Re: Response to Letter

Hi Mak,

I have the same question about this meeting: Is it mandatory? Will I be subject to discipline if I do not attend?

Respectfully,  
Cynthia Huang



**From:** Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
**Date:** Tuesday, March 18, 2025 at 2:13 PM  
**To:** Huang, Cynthia [REDACTED]  
**Subject:** Re: Response to Letter

Hi Cynthia,

I hope you had a nice break. Thanks for your email and question about the process. The purpose of my request for a meeting was to talk about the process moving forward since you have asked several questions over email.

Could we meet to clarify your student organization's rights in our code of responsibility processes and my role in facilitating a fair process for everyone? Since you are representing a student organization, can you confirm that the members of your organization and on campus adviser are included in conversations about the alleged complaint and that they have input into the path forward?

What days/time work for you to connect this week? Who else from your organization should be included?

Best,  
Mak



**Mak Tompkins (she/they)**  
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**From:** Huang, Cynthia [REDACTED]  
**Sent:** Tuesday, March 18, 2025 4:44 PM  
**To:** Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
**Subject:** Re: Response to Letter

Hi Mak,

I hope you had a nice break as well. Is this meeting mandatory? What will happen if I do not agree to meet about this?

Respectfully,  
Cynthia

**From:** Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
**Date:** Wednesday, March 19, 2025 at 9:29 AM  
**To:** Huang, Cynthia [REDACTED]  
**Subject:** Re: Response to Letter

Hi Cynthia,

Thank you for your reply. I am offering this meeting as an opportunity to answer the questions you have asked, clarify your student organization's rights in our code of responsibility processes, and clarify my role in facilitating a fair process for everyone.

If you do not want to represent the student organization, I can reach out to other leaders of the student organization and the group's adviser about the complaint and to schedule a meeting for the same purpose. They will have the opportunity to offer information on behalf of the student organization.

Let me know how you plan to proceed.

Best,  
Mak



**Mak Tompkins (she/they)**  
Director of Student Rights & Responsibilities  
Dean of Students Office

209 Ridge Road  
Box 5000  
Davidson, NC 28035

(704) 894-2225  
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From: Huang, Cynthia [REDACTED]  
Sent: Wednesday, March 19, 2025 11:15 AM  
To: Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
Subject: Re: Response to Letter

Hi Mak,

I'm glad we are on the same page, as I am also attempting to clarify your role in this process. Would you please answer my questions directly? As to reaching out to other members of my club, that would not be appropriate. I am the chair of this club, so I represent us. Additionally, my club members and I are on the same page on this matter.

Best,  
Cynthia

From: Tompkins, Mak <[matompkins@davidson.edu](mailto:matompkins@davidson.edu)>  
Sent: Thursday, March 20, 2025 9:22 AM  
To: Huang, Cynthia [REDACTED]  
Subject: Re: Response to Letter

**PERSONAL & CONFIDENTIAL**

Hi Cynthia,

Thanks for clarifying that you have been in communication with the members of your student organization and that their wishes are being represented in your communication to me. Please know that at this phase, I simply want to have a conversation about the complaint filed.

In case it's helpful, page 28 of the student handbook outlines your rights in this process which include but are not limited to the option to deny responsibility or decline to provide information about the alleged incident. You also have the right to a clear process and an opportunity to respond to the complaint. I am seeking a meeting to discuss the allegations, the process, and how we may come to a resolution together.

You are not subject to disciplinary action if you choose to not participate in the student accountability process. If your organization does not wish to provide information about the alleged event or participate in the process, then the process will continue without this information.

Let me know how your organization would like to proceed.

Best,  
Mak



**Mak Tompkins (she/they)**  
Director of Student Rights & Responsibilities  
Dean of Students Office  
209 Ridge Road  
Box 5000  
Davidson, NC 28035

- f. As these emails show, Cynthia asked Mak four times what would happen if she refused the second meeting before Tompkins finally answered. **Tompkins's refusal to inform Cynthia of her rights under school policy is a blatant attempt to intimidate and censor her.**<sup>13</sup>
- g. After failing to extort a second meeting out of Cynthia, Tompkins continued her harassment by issuing a unilateral warning:

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<sup>13</sup> This also raises due process concerns.





Students reported to the Dean of Students office that they felt directly harmed by the written material circulated by YAF, which they characterized as islamophobic, sexist, and transphobic, and that dissemination of the material made it more difficult for them to feel safe or welcome on campus. You have characterized YAF's actions as free speech.

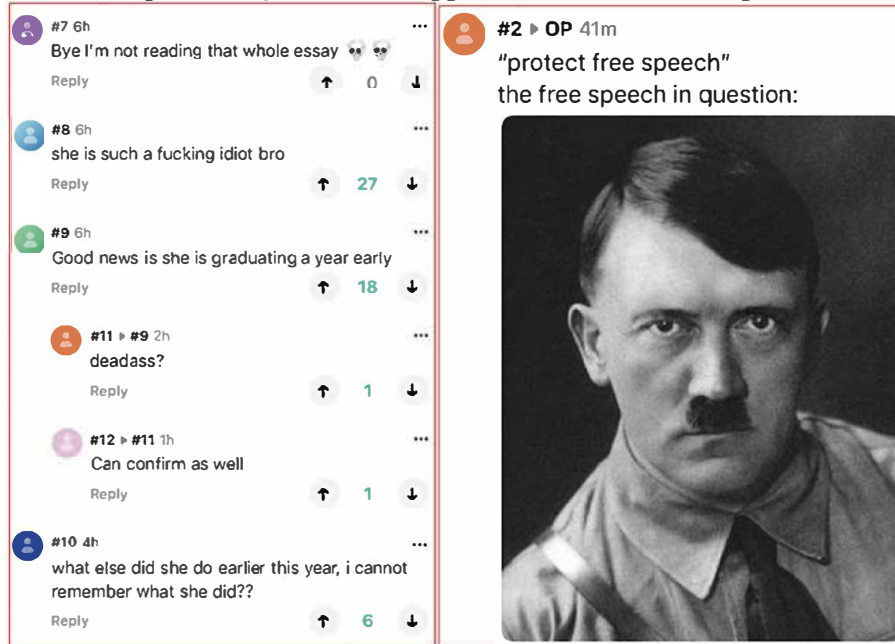
After review of the information available, the college has determined it will issue a non-disciplinary warning and a reminder about Davidson College's policy regarding harassment. While Davidson College recognizes students' rights to freedom of speech, the college also has an obligation to sustain a campus environment in which all students can learn and to foster a community which recognizes the dignity of every person. The purpose of this warning is to bring attention to the impact your organization's actions have on other students so that your organization might consider different choices if faced with a similar situation in the future. A written warning **does not** generate a disciplinary record.

Remember, the College aims to educate the whole person in a learning-centered environment, recognizing our responsibilities to one another, to our community, and to the world we share. I hope this outcome will not only help you understand your organization's role in this situation, but also support your success as well as the success of our campus community.

- h. As an initial matter, there is no such thing as a nondisciplinary warning, because every violation of school policy moves a student closer to punishment. A so-called nondisciplinary warning is simply one point along a continuum of escalating disciplinary measures. If a police officer lets you off the hook for speeding on Monday, he is significantly less likely to give you a break if he catches you again on Tuesday. Just because the school was foregoing formal punishment in March meant nothing; if Cynthia had distributed a second pamphlet that triggered anti-Israel complaints, Tompkins undoubtedly would have used this warning as an excuse to swiftly punish her. Further, censorship in and of itself is punishment, especially when the censorship hinges on violation of the student's rights.
  - i. Tompkins is aware of this. Her letter admits that "speech protected by the college constitution is not grounds for discipline" and failed to cite a single act of harassment or other wrongdoing by Cynthia or Hannah. The letter is full of insinuations that if the students continue to challenge anti-Israel dogma, or if students continue to complain that Cynthia and Hannah's expression makes them feel "unsafe," Tompkins will discipline them.
  - j. Tompkins's pressure campaign, at the behest of anti-Israel complainants violates Title VI. Tompkins had no basis for investigating Cynthia—unless violation of federal law can form such a basis. Tompkins's repeated attempts to censor Cynthia's views on racially and ethnically-charged issues constitutes harassment on the basis of identity and enables hostility against a protected group.
  - k. These facts are sufficient to state a Title VI claim.
3. **Davidson College officials violated Title VI, Executive Order 14151, Executive Order 14173, and the Dept. of Ed. Feb. 14, 2025 Dear Colleague Letter by discriminating against Pro-Israel students in how they addressed complaints.**
- a. When Tompkins informed Cynthia she was under investigation for "islamophobia," Cynthia responded in part by sharing her own stories of harassment. In addition to in-person harassment, such as at the flag display, Cynthia



had been receiving massive amounts on online hate both on Instagram and Yik-Yak, the college's anonymous chat app. Here are some examples:



- b. **Tompkins responded that she was already aware of Cynthia's situation and proceeded on with her campaign to censor Cynthia. She did nothing to help her.** Davidson officials also ignored complaints from Jewish students.
- c. In contrast, Davidson officials actively serviced complaints *against* pro-Israel students. For example, when anti-Israel students complained Cynthia's pamphlet made them feel "unsafe," Tompkins intimidated, lectured, and disciplined Cynthia, telling her that she had attacked their identities, even though her expression was clearly based in identities protected under federal law, not to mention permissible under school policy. To Tompkins, Cynthia and Hannah were the bad guys.
- d. Why did Davidson officials cater to complaints against Cynthia and Hannah's pamphlet but dismiss complaints against anti-Israel displays,<sup>14</sup> even when they violated the rules? According to Tompkins, Cynthia's pamphlets (1) supposedly made a coalition of students feel "unsafe" and (2) promoted "misinformation" and "islamophobia."
  - i. On (1), permitting one group to shout down another's expression violates federal law here. The complainants' "safety" concern was based in the debate over whether Israel and the Jewish people should exist and not based on anything Cynthia and Hannah had done. Davidson College officials cannot ban support for one race, ethnicity, or national origin at

<sup>14</sup> Jewish students complained about the violent pamphlet and rule-violating posters in Chambers described in Allegation 1, for example. Again, none of those students felt safe enough at Davidson to lend their name to a public complaint.



the urging of anyone because such a ban would be discrimination on the basis of a protected identity.

- ii. On (2), it is antisemitic to call support for the Jewish people Islamophobic, so Davidson officials should have dismissed the complaint outright.
- e. Davidson College cannot escape liability for (1) or (2) by claiming they were simply addressing student complaints. Davidson officials have an affirmative duty to protect the federal rights of each student.
- f. Cynthia despaired of receiving fair treatment from Tompkins and sought help from Davidson College President Douglas Hicks. Her cry for help is excerpted below:

However, the college is currently failing its students in providing a well-rounded, intellectually diverse education. It has not adequately prepared its students for a life of leadership and service in the real world and given them the ability to think for themselves. It has pushed leftist ideologies upon them, censoring those who disagree, and treating them with contempt. This is not the Davidson I had hoped to be a part of. My dreams in attending Davidson were to be a part of community that truly welcomed everyone regardless of their background and political beliefs, one that treated each person made in the image of God with dignity and respect, one that presented to me arguments from the entire ideological spectrum and forced me to think for myself. Considering an email that I received from an alum from the class of 1998 who shared with me his Davidson experience, I am disappointed to say that Davidson is no longer a place where intellectual thought can abound, and I am fearful for its future students that proceed me.

- g. In an April 3, 2025 response Hicks refused to discuss Cynthia's complaints in writing, giving her one option: an in-person, closed-door meeting:

From: Hicks, Doug <douglashicks@davidson.edu>  
Sent: Thursday, April 3, 2025 12:59 PM  
To: Huang, Cynthia [REDACTED]  
Cc: Swift, Dan <dswift@davidson.edu>  
Subject: Re: Freedom of Speech and Davidson's Future

Cynthia,

I am truly sorry to hear that you are declining to meet individually with me. I hope that you will change your mind.

Please know that, as your president, I am open to meeting with you to hear your concerns and share perspectives.

I believe that you truly value the open expression of ideas, and I hope that includes talking with me.

Best,  
DAH

  
DAVIDSON  
COLLEGE  
Douglas A. Hicks  
President  
704.894.2555

- h. Hicks even refused to allow Cynthia to bring a third party for support at this meeting,<sup>15</sup> including her mother:

<sup>15</sup> Remember that Cynthia had taken the same cautionary step when meeting with Tompkins: she took Hannah along as support/witness. Cynthia was right in that case because that was the beginning of Tompkins's harassment against the students.





Sent: Thursday, March 27, 2025 1:49 PM  
To: Hicks, Doug <douglashicks@davidson.edu>  
Cc: Swift, Dan <daswift@davidson.edu>  
Subject: Re: Freedom of Speech and Davidson's Future

Hi President Hicks,

An in-person discussion would be great. Would it be okay if my mother joined in our conversation? She would like to offer her perspective and concerns. If so, do you have any availability on April 9th?

Best,  
Cynthia Huang

From: Hicks, Doug <douglashicks@davidson.edu>  
Sent: Monday, March 31, 2025 4:14 PM  
To: Huang, Cynthia [REDACTED]  
Cc: Swift, Dan <daswift@davidson.edu>  
Subject: Re: Freedom of Speech and Davidson's Future

Hi Cynthia,

I am hoping to have a meeting individually with you as a student and student leader. These are important topics and I value your ideas and would like to share perspectives with you.

If your mother would like to meet with me after we speak, I will be open to that as well.

I'll ask Dan Swift to schedule, I hope, a time for you and me to talk.

Best,

Doug

- i. Cynthia's mother, having supported Cynthia from the sidelines, wrote to President Hicks personally on April 2, 2025, the day before Hicks turned Cynthia away for a final time. She implored him to enforce school policy fairly:



## 2) Legal and Institutional Perspective

My daughter was exercising her Constitutional rights lawfully, and to my understanding, she did not violate any codes of conduct as determined by the administration. On the contrary, she upheld the values outlined in Davidson's **Statement of Purpose and Commitment to Freedom of Expression**.

Davidson has long emphasized its Presbyterian heritage and commitment to free expression, as seen in these statements:

- *Since its founding, the ties that bind the college to its Presbyterian heritage, including the historic understanding of **Christian faith** called The Reformed Tradition, have remained close and strong. The college is committed to continuing this vital relationship. (Statement of Purpose)*
- *The **Christian tradition** to which Davidson remains committed recognizes **God as the source of all truth**, and believes that **Jesus Christ is the revelation of that God**, a God bound by no church or creed. (Statement of Purpose)*
- *"We believe in **free speech, free expression, and academic freedom**. We believe in a **robust exchange of ideas** because we believe in **an ethical pursuit of truth**. Our official documents have outlined our commitment and, indeed, our obligation to uphold those beliefs." (Commitment to Freedom of Expression)*

Given these foundational values, I must ask: How are Constitutional rights being protected on Davidson's campus? Where is the school's heritage being upheld?

And protect her daughter's physical safety<sup>16</sup>:

## 3) Ethical Concerns

Cynthia merely distributed pamphlets and shared her views on social media. She did not force anyone to accept her beliefs, nor did she make any threats. However, she herself received a **death threat**.

To my knowledge, no one from the school administration has publicly addressed this serious matter. As a **parent**, I ask you: If your daughter's life were threatened on campus and the institution remained silent, would you be at peace? Would this not weigh heavily on your heart?

- j. Hicks dismissed Cynthia's mother just as he had dismissed Cynthia. Lip service to his "value" for Cynthia as a student leader is belied by his permissive attitude toward anti-Israel acts over the course of many months. **Astoundingly, Tompkins suggested that Cynthia's only options would be to report any harassment to him or Tompkins—steps he knew Cynthia had already taken.**

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<sup>16</sup> As her mom notes, Cynthia was, indeed, the recipient of a death threat in her capacity as a Davidson student. This happened when Cynthia published a piece in the school newspaper bringing light to the fact that Davidson College's student health insurance covered abortions and expressing compassion for students who have been pressured to get an abortion. While these facts do not have direct bearing on the Title VI and Title IX issues central to this complaint, they do contribute to President Hicks' duty and liability.



**From:** "Hicks, Doug" <douglashicks@davidson.edu>

**Subject:** Re: Urgent Concerns Regarding My Daughter's Experience at Davidson

**Date:** April 3, 2025 at 4:44:29PM EDT

**To:** [REDACTED]

Ms. Shao,

The safety of our students is our highest priority. I find it deeply concerning that your daughter received a death threat. I would ask that you encourage Cynthia to seek our help in addressing the matter. As I understand it, Mak Tompkins emailed Cynthia on March 5<sup>th</sup> inviting her to meet to discuss filing a report about any harassment she has experienced. Cynthia also has the option of filing a report with our campus police department. Our student counseling center and chaplain's office are resources for Cynthia if she is seeking counseling and support. If Cynthia needs help accessing any of these resources, please let me know and I will have someone reach out to Cynthia to coordinate next steps.

Regards,  
Doug Hicks

k. In contrast to his dismissal of Cynthia, Hicks had issued the following statement to the college community just two weeks prior:

**From:** Davidson College President <president@davidson.edu>

**Sent:** Thursday, March 20, 2025 1:19:56 PM

**Subject:** Our commitments to freedom of expression and mutual respect

March 20, 2025

Dear Members of the Davidson Community,

It has been an active semester on campus. Over spring break, students joined nearly 20 Davidson-sponsored trips around the country and world, each with an educational goal and sense of purpose. We have now entered the closing weeks of the semester and can clearly see the pathway to Commencement for the Class of 2025! Also this semester, we have almost completed our planning and fundraising for a renovated library, and we received a transformational gift from the Curry and Berman families to support our men's and women's basketball teams. And this weekend we will release regular-admission decisions to welcome the incoming Class of 2029—from a record-breaking number of applicants.

In short, Davidson College is flourishing.

At the same time, it is important to acknowledge that we are living in a turbulent moment in our society, our politics, and the world. I have dedicated much of my time this academic year to meeting with students, faculty, and staff on campus; alumni, parents, and friends in various cities; other college and university presidents; and political leaders in Davidson, Charlotte, Raleigh, and Washington.

In all of these contexts, I have listened to concerns, and I have shared Davidson's story. A few things are crystal clear, and two realities sit in uncomfortable tension.

First, and most importantly, we are guided by our [Statement of Purpose](#), and by any metric, we are living up to our core values. Admitting students without regard to family finances while meeting 100% of demonstrated need and omitting loans in aid packages creates access and opportunity for talented students of all backgrounds—a cornerstone of our mission. The majority of our endowment payout each year goes directly to students as need-based financial assistance. And our graduation rate of 92%—and 94% for Pell-eligible students—is among the highest of any school.

Yet, at the same time, distrust in higher education in general has never been more prevalent in modern times. Citing instances of protest, violence, and anti-Semitism as well as accusations of ideological indoctrination, leaders in Washington argue that higher education "has lost its way." Cuts to federal programs have already affected Davidson students and alumni through the defunding of graduate programs, revoked internships and job interviews, and lost jobs.





As I wrote in an earlier letter, our approach in this critical moment for higher education will be to share Davidson's extraordinary commitment to education, access and opportunity, and preparing graduates of all backgrounds for leadership and service.

As part of that commitment to our values—to being a community of trust—we must redouble our efforts to ensure freedom of expression for everyone regardless of their identity or worldview.

There is vast room at Davidson for free inquiry, speech, and debate, guaranteed by our founding document's commitment to the equal moral worth of every individual. It is reflected in [Davidson's Commitment to Freedom of Expression](#). While freedom of expression is vast in this educational community, it is not unlimited. The shared guidelines for conduct and speech are outlined in detail in [Davidson's Code of Responsibility](#). Building an educational community with space for differing viewpoints calls us to live up to expectations to not demean, harass or discriminate against individuals or groups—to honor the equal dignity of every person.

Clearly, determining where the specific boundaries and tensions between the freedom to speak and the responsibilities associated with mutual respect is one of the hardest questions that we as a college community confront—in this moment and in all moments. Yet, guided by our commitments and policies, we hold one another to norms of mutual respect and learning from and with one another, even as we remain deeply committed to free expression.

As one community-wide opportunity to address these questions, the Deliberative Citizenship Initiative, under the leadership of Prof. Graham Bullock, will host, in partnership with Professors Ike Bailey and Melissa Gonzalez, a forum entitled, "Free Expression at Davidson: Rights and Responsibilities during an Uncertain Time." Additional information will be available in the coming weeks.

I believe that Davidson College is and can increasingly be a model for how such hard, complex, and respectful work can shape a healthy democracy. The work we do across campus—from the Honor Code signing during orientation, classroom learning, the Davidson in Washington program, the Deliberative Citizenship Initiative, to the Center for Political Engagement and countless student clubs—is already enacting that. This is how Davidson will build up trust across campus and help restore trust in higher education and our civic life.

Thank you for your own efforts, in your daily interactions and in wider ways, to show mutual respect and even a spirit of grace toward one another.

Best wishes,  
Doug

- l. Imagine having the nerve to say you were “redoubl[ing] your efforts to ensure freedom of expression for everyone regardless of identity or worldview” while simultaneously refusing to discuss a student’s concerns unless she guaranteed you immunity from accountability for anything you said. This was a cowardly act.
- m. Cynthia knew that Hicks was obfuscating, so **she directly asked him, “what is your stance on the ‘harassment’ allegations [against me]? Do you support the administrators who have sought to silence YAF and their support for Israel and stance against the terrorist organization Hamas? Do you agree that these anonymous platforms should be used to report students who are expressing differing political perspectives?”**
- n. Cynthia also asked President Hicks to enforce law and school policy against her harassers—the bare minimum she should expect from someone bound to protect her rights and dignity:

I ask that you investigate and reveal the person(s) responsible for the charges against YAF. Although they were dropped, we would like to know why these charges were brought up in the first place. I also ask that, for the sake of future students who hope to explore diverse perspectives and think independently, you make an intentional effort to protect free speech and expression on this campus, especially for those in the minority.

- o. Look closer and you will see that when Cynthia refused to attend a private meeting with a person in authority who was obviously biased against her, Hicks retaliated against her. Hicks accused Cynthia of being closed-minded (“I believe that you truly value the open expression of ideas, and I hope that includes talking with me.”). In reality, Cynthia rightly did not trust Hicks because he had enabled antisemitism and speech suppression on campus for months—specifically against her and Hannah. **Why did he now demand that their conversation have no witnesses? What did he want to say that he didn’t want Cynthia’s mom to hear? Why wouldn’t he put any assurances in writing?**



- p. It is worth noting that President Hicks was undoubtedly aware of the harassment and suppression in advance of Cynthia's complaint. The pamphlet ban had made local<sup>17</sup> and national<sup>18</sup> news and was the talk of campus for weeks ahead of this email exchange. Hicks had already violated his affirmative duty to protect Cynthia and Hannah's rights by his deliberately indifferent inaction. His refusal of her direct request for help is just the cherry on top of a censorship sundae.
- q. These facts are sufficient to state a Title VI claim.

**4. Davidson College officials violated Title IX and Executive Order 14168 by suppressing expression of the idea that sex is biological and binary.**

- a. Tompkins sought to censor Cynthia and Hannah's discussion of gender ideology as well as their pro-Israel expression. In her February 28<sup>th</sup> letter, Tompkins stated that a group of students had complained about one of the YAF chapter's Instagram posts:

promotes islamophobia. It is also alleged that YAF publicly shared a post from "Libs of TikTok" on their instagram account speculating the sex/gender identity of Imane Khelif, an Algerian boxer, which allegedly includes misinformation that promotes transphobia. Individuals have reported feeling threatened and unsafe on campus as a result of the alleged actions.

- b. Tompkins claimed this could violate the school's harassment policy by constituting, among other things, "[u]nwelcome threats, derogatory comments, jokes, innuendoes, insults, slurs, epithets, negative stereotyping, and other similar conduct that relate to ...sexual orientation."
- c. Title IX delineates the areas in which a recipient of federal financial assistance may legitimately use sex-based classifications.<sup>19</sup> Because Tompkins's censorship uses sex-based classifications that are not legitimate under Title IX, her actions fall outside of Title IX permissible zone of sex-based classifications. Further, Executive Order 14168 specifically protects speech on the topic of biological sex.
- d. Cynthia and Hannah believe in biological reality and that people cannot change their sex. The students state confidently that their post was simply a protected expression of that belief, though it is worth noting that because Cynthia and Hannah posted about their beliefs so commonly, they are not sure to which post Tompkins was referring.
- e. It appears that Tompkins was reacting in support of students who dislike Cynthia and Hannah's views, at the cost of Cynthia and Hannah's rights. Again, a recipient of federal funds may not suppress ideas or actions protected by federal law at the behest of anyone. Also again, Tompkins violated federal law by even investigating

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<sup>17</sup> E.g., "Davidson College protects free speech — until it's controversial," [https://www.charlotteobserver.com/opinion/article303230821.html?utm\\_campaign=trueanthem&utm\\_medium=social&utm\\_source=facebook](https://www.charlotteobserver.com/opinion/article303230821.html?utm_campaign=trueanthem&utm_medium=social&utm_source=facebook)

<sup>18</sup> E.g., "Conservative student under investigation for pro-Israel pamphlets, questioning transgenderism," <https://www.thecollegefix.com/conservative-student-under-investigation-for-pro-israel-pamphlets-questioning-transgenderism/>

<sup>19</sup> In other words: It sets the outer limits for when a covered entity may discriminate on the basis of *biological* sex.



the complaint against Cynthia and Hannah. These facts are sufficient to state a Title IX claim.

**5. Davidson College Director of Student Rights and Responsibilities Mak Tompkins violated Title IX and Executive Order 14168 by harassing, intimidating, and threatening students who expressed the opinion that sex is biological and binary.**

- a. Tompkins's harassment of Cynthia and Hannah as outlined in Allegation 2 applies to the pro-biological sex post referenced in Allegation 4. Because Tompkins engaged in parallel acts of harassment against Cynthia in Hannah with the Title IX claim as with the Title VI claim, the facts are sufficient to state a Title IX claim.

**Conclusion**

Based on the above, undersigned counsel, on behalf of Cynthia and Hannah, urges you to open a formal investigation into Davidson College and to apply appropriate remedial actions. At bare minimum, President Hicks and administrators Tompkins and Eisenstadt should be made to account for their efforts to protect anti-Israel expression and failure to assist and protect Cynthia and Hannah.

Cynthia and Hannah look forward to seeing Davidson College live up to its promised "commitment to free inquiry and to the inclusion of diverse persons and communities," including those who do not align with their leftist ideology.

Please contact me if I can provide further assistance or information.

Sincerely,

Madison Hahn  
Associate General Counsel  
Young America's Foundation  
11480 Commerce Park Dr., STE 600  
Reston, VA 20191  
800.USA.1776  
[mhahn@yaf.org](mailto:mhahn@yaf.org)