

Office of Compliance & Diversity (OCD)
Queens College, CUNY (City University of New York)
Delany Hall Investigative Report

I. Executive Summary

This investigative report was prepared pursuant to CUNY's Policy on Sexual Misconduct ("the Policy"), specifically Section XII pertaining to Non-Title IX Sexual Misconduct matters. The Complainants have offices in Lloyd Delany Hall, a campus building at CUNY's Queens College, where inscribed markings of a swastika and the words "KKK Lives" were discovered on a bulletin board on January 6, 2022. These markings were reported to a supervisor on the same day and to Public Safety and the College Administration on January 7, 2022. The Respondents are members of the College Administration.

Upon the request of Chief Diversity Officer ("CDO") & Dean of Diversity Jerima DeWese, Investigators Michael Das, Camilla St. Louis, and Nancy Schick investigated this matter on behalf of CUNY's Queens College. Nancy Schick prepared this investigative report, based on the interviews she conducted, and the investigative summaries submitted by Michael Das.

II. Overview and History

On January 6, 2022, an employee working in the building of mention discovered markings on a bulletin board in the basement, near the classrooms. The messages in the markings were expressed with a swastika and the words "KKK Lives."

III. Timeline of Response

- On January 7, 2022, the President issued a campus-wide message by email. The message alerted the community of a report received, detailed the content of the markings, and condemned the markings, as well as all acts of racism and antisemitism on campus.
- Also on January 7, 2022, the President directed the Office of Public Safety Chief ("Public Safety Chief") to report the markings to the New York Police Department ("NYPD").
- During the weekend of January 7th through 9th, the markings were photographed and documented. The bulletin board was removed.
- Throughout January, February, March, and April, the incident was discussed at weekly meetings of the President's Council.
- Between January 2022 and June 2022, several updates were provided to the building's occupants and the College community:
 - A. Tuesday, January 11, 2022 – Message from the CDO & Dean of Diversity to the Campus Community
 - B. Thursday, January 13, 2022 - [Joint Message](#) to the Campus Community from the President and the CDO & Dean of Diversity
 - C. Wednesday, January 19, 2022 - [Joint Message](#) to the Campus Community from the President and the CDO & Dean of Diversity
 - D. Tuesday, February 8, 2022 - [Diversity Dialogues](#) from the CDO & Dean of Diversity
 - E. Thursday, April 7, 2022 - [Update](#) sent to the building's occupants from the President and the CDO & Dean of Diversity

F. Thursday, April 14, 2022 - [Diversity Dialogues](#) from the CDO & Dean of Diversity

G. Monday, May 16, 2022 - [Delany Hall Security Update](#) from the Public Safety Chief

- After an internal Public Safety investigation in February 2022, a formal report was submitted to the NYPD.
- Beginning in March 2022, campus supportive and safety measures were implemented.
- On March 3, 2022, the President, the CDO & Dean of Diversity, and campus leadership held a community meeting to provide updates to the building's occupants. Immediately following that meeting, the Public Safety Chief met with the building's occupants.
- On April 8, 2022, the CDO & Dean of Diversity initiated an Office of Compliance and Diversity ("OCD") compliance investigation regarding the markings.
- On April 14, 2022, the CDO & Dean of Diversity launched the Campus Conversations dialogue series to engage the College community in its exploration of a wide range of higher order thinking ("HOT") topics in Diversity, Equity, and Inclusion ("DEI"). In the first conversation, the College arranged for the participation of Mrs. Myrlie Evers-Williams, who shared her experiences in the civil rights movement and her life with her husband Medgar. Mrs. Evers-Williams's address was followed by two concurrent breakout sessions:
 - A. Discussion with occupants of the building where the markings were found and anyone who was affected by the hateful scrawls. Among the topics addressed were ways to prevent such an event from happening again and plans to address hate on campus.
 - B. Continuation of the conversation on parallels and presence of racism, discrimination, and bias in society, then and now.
- From April 28, 2022, to June 27, 2022, investigative interviews were conducted by the OCD in collaboration with the Office of Public Safety ("Public Safety").
- A meeting was held with Delany Hall staff and students on May 18, 2022, and a response from President Wu and CDO & Dean DeWese to concerns expressed at that meeting was provided at the end of June 2022.

IV. Witness List

Between April 28, 2022, and June 27, 2022, thirty employee investigative interviews were conducted. The witness list and notes will not be made public for the purposes of this Investigative Executive Summary.

V. Exhibit List

To protect the privacy and due process rights of the parties, as well as the integrity of the investigation, notes from the interviews will not be made public.

VI. Allegations

No formal complaint of allegations has been filed with the OCD. However, it appears the Complainants allege the Administration failed to:

- Investigate the reported incident in a thorough and timely manner
- Ensure Public Safety completed an effective investigation

- Promptly confirm the physical and psychological safety and well-being of the building's employees
- Foster and maintain a working environment that is emotionally intelligent, culturally sensitive, and mutually respectful

VII. Supportive/Interim Measures

- In response to the discovery of the markings in Delany Hall, the College initiated supportive interim measures.
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- A security guard has been stationed in the building since March 7, 2022, from Monday through Thursday from 11 AM to 7 PM.
- Public Safety patrols have been increased both outside and inside the building.
- Swipe access technology has been installed at the main entrances, the back door of Delany Hall, as well as at the wheelchair-accessible entrance.
- Security cameras were installed at several entrances (e.g., front doors, back door) and are all operational.
- Anti-bias training for Public Safety officers was provided during Spring Recess (April 18-21, 2022) and is planned to be provided to all College community members.
- Counseling continues to be available for students, faculty, and staff.
- Affected parties (employees who have offices in Delany Hall or those assigned to work in the building) were offered the opportunity to interview with OCD and the Department of Public Safety.
- As the first phase of a larger campus art management project, funds have been allocated to engage an art consultant to catalog, appraise and make recommendations for the conservation and protection of the art in Delany Hall. Project initiation and vetting of proposed consultants with stakeholders will commence in Fall 2022.

VIII. Investigation Findings

- **Finding #1: The Markings in Delany Hall**
A perpetrator inscribed markings of a swastika and the words “KKK Lives” into a bulletin board in Lloyd Delany Hall. The conduct of the perpetrator and the content of the markings falls within the definition of a [bias incident](#) as defined by the NYPD. Bias incidents require a report to the local precinct. The incident must also be included as a hate crime in the College’s October 2022 Clery Act Report.
Finding Determination: The swastika and the “KKK Lives” markings found in Delany Hall are hateful, discriminatory, racist, and antisemitic.
- **Finding # 2: Perpetrator Identification**
The Delany Hall markings were discovered on January 6, 2022, and reported on January 7, 2022, during the winter break. At that time, many employees that would have been working in the building were working remotely or were on break. Delany Hall did not yet have video surveillance cameras installed. Also, foot traffic in the building and on campus was lighter than usual and largely unmonitored. Thus, without an admission of

guilt from a perpetrator, it is nearly impossible for the investigators to identify the perpetrator and/or perpetrators.

Finding Determination: The perpetrator(s) has not and may not ever be identified.

- **Finding #3: Investigation Status**

Since the January 6, 2022, report of hateful, discriminatory, racist, and antisemitic markings found in Delany Hall, there have been additional reports of related and intertwined incidents. Allegations in these reports require authentication and further investigation that might lead to additional information relevant to the Delany Hall markings.

Finding Determination: The investigation is ongoing.

IX. Recommendations

As a result of the investigation meetings and findings in Section VIII above, recurring and overlapping themes were identified by the investigators. These themes provide a basis for the recommendations in the five categories below.

- **Recommendation Category #1: Community-Building and Trust Restoration**

There is consensus of the need to actively demonstrate that bias incidents are taken seriously, reported to the NYPD, and thoroughly investigated. (The need for a clear process for all employees is addressed in Recommendation Category #4.)

Some occupants believed they had to assert themselves in the response and investigation because they did not trust the Administration to take appropriate action. This likely exacerbated misinformation shared widely inside and outside the College. Among the representative statements to that affect were:

“I’m not sure that if Delany Hall hadn’t pushed, we would be seeing anything different.”

“We feel the administration owes us an apology for not doing a real investigation in January.”

As stated above in Section VIII - Finding #3, there have been several reports related to the Delany Hall markings. Tensions that existed long before the markings were discovered this year continue to be exacerbated. The College cannot wait until review of these reports is complete. It must restore trust in the community now.

Recommendations:

- A. Establish community building and trust restoration venues and opportunities to address and eliminate intra/interdepartmental silos, competition, discord, and strife.**
- B. The Administration must consistently look for opportunities to connect with the College community in meaningful ways.**
- C. Departments such as Public Safety and the Office of Compliance and Diversity must be introduced and presented at college welcoming, orientations, recruitment, and retention events to educate community stakeholders on the services and resources each department has to offer.**

D. All employees must foster and encourage comprehensive community healing, mutual respect, and transformative reconciliation efforts.

- **Recommendation Category #2: Transparent and Effective Communication**

The building's occupants consistently reported disappointment with post-incident communication. Most interviewees from the building expressed the feeling that communication from the Administration was at times unnecessarily vague and performative. Several said they understood the need to coordinate many efforts and maintain confidentiality of certain portions of the investigation. However, they felt more could have been shared to assure and demonstrate that their safety was a priority. (Increased Safety and Well-Being is addressed in Recommendation Category #3.)

The buildings occupants felt the need to use media publicity and union protection measures to ensure their safety. Safety and well-being were their primary concerns when ongoing communication and the investigation status were unclear.

Interviewees' perceptions of the meetings with the President and CDO & Dean of Diversity are represented by the below statements:

"I expected, 'We hear you. This is a crime. This is what we're doing. This is what we're working towards...Instead, it felt like they were evasive towards investigation steps."

"I felt like people were being asked what they wanted without the Administration being proactive. It feels like we had to elevate our voices in order for the Administration to do anything. It doesn't make it feel like my safety is a priority."

Recommendations:

- A. Communications must be frequent, accurate, transparent, and human centered.**
- B. Announcement of changes must be communicated several times and in a variety of modalities.**
- C. Meetings and/or facilitated discussions should use an inclusive discussion style rather than webinar/panelist one-way information sharing.**
- D. Directories must remain current to ensure all affected employees have opportunities to attend meetings and discuss issues that affect their work.**
- E. Communication gaps about policies, procedures, and investigation updates must be eliminated.**

- **Recommendation Category #3: Safety and Well-Being**

The interviewees who work in the building generally viewed the Administration's response as insufficient and evasive. One interviewee said, "Investigation means to try to identify a suspect. I don't see evidence that is being done. It should have been done in January. Instead, there was a lot of defensiveness and misdirection...Why was the NYPD not included in the investigation in January? If it had been done, maybe the suspect or suspect(s) could have been identified. It was a closed campus. Few people were on campus..."

Additionally, one interviewee detailed how she frequently cleaned off the bulletin boards in the building, including the one at issue. She had last done that on December 16, 2021, and "nothing was there."

The most outspoken interviewees wanted their safety concerns to be taken seriously and hoped for a more human-centered approach. They also expressed dissatisfaction that they had to verify what they were being told by the Administration with what the NYPD, for example, had on file. Some interviewees from the building believe the Administration should have deferred to the NYPD in this case, especially due to the increase in racially motivated mass shootings in schools and public places.

The incident reminded some long-term employees of the College's responses or lack thereof to past incidents, worsening fears that nothing will ever change and that their safety will remain at risk. One interviewee said this is not the first racist or antisemitic incident on campus. There is concern about the way this was dealt with because it did not seem different from prior responses from past administrations. "This is the boiling point from approximately 10 prior incidents...in 2013...2016...2018...2020...2021..."

"I feel like my life doesn't matter, but I have to tell people they should go back to work and be safe."

"We feel like there's a hater among us, and they got away with it."

Recommendations:

- A. Safety concerns must be taken seriously. Response must be timely and comprehensive.**
- B. There must be clear procedures for effectively handling markings and bias incidents on campus, and these processes must be consistently followed.**
- C. Evaluation and assessment of physical safety needs must be continuous.**
- D. Campus lighting must be reviewed.**
- E. Building access through back and obscured entrances must be evaluated.**
- F. Installation of cameras should be considered at some entrances, in parking lots, and in some stairwells throughout Delany Hall and appropriate locations throughout the entirety of the campus.**
- G. Camera functioning must be reviewed frequently, and repairs made in a timely manner.**

• **Recommendation Category #4: Infrastructure Creation and Implementation**

Interviewees expressed concern that the Public Safety officers did not know to report hate speech markings to the NYPD as a bias incident. A representative of Public Safety said the department needs 60 officers but only has 20. They are CPR-certified by CUNY but have limited training to be mental health first responders. Some officers don't know what a swastika is. There is a gap of understanding in the historical, cultural, and racial background and significance of such markings. There is also lack of experience with the detriment, generational harm, violence, and threat of the life that the existence of the KKK (the white supremacist group) and the words "KKK Lives" invokes.

The same representative said many of the Campus Security Authorities ("CSAs") speak limited English yet are the ones most likely to encounter people in distress, with a weapon, or otherwise needing assistance. They are not trained on [Article 35 Use of Force](#), such as batons or pepper spray. Those trainings are only provided to peace officers. They are required to complete each year.

Many of the building's occupants admitted they were also unclear on the protocol for reporting to the NYPD and would appreciate a clear process in case something similar occurs. They also welcome

ongoing training on such processes so they can respond effectively if they must. (Recommended training is discussed in Recommendation Category #5.)

Recommendations:

- A. Create and implement campus-wide protocols, processes, and standard operating procedures for reporting, responding, and investigating bias or hate incidents on campus.**
- B. OCD should review campus policies and procedures that may inadvertently perpetuate systemic/institutional practices that are inequitable and/or does not promote inclusivity.**

- **Recommendation Category #5: Training and Dialogue Facilitation**

We must immediately correct knowledge and implementation gaps in implicit and hidden biases, trauma-informed care, interviewing witnesses effectively, recognizing hate speech, intervening safely and appropriately, and disrupting aggressions.

The College has several community leaders with experience healing racial trauma, protecting human rights, and resolving conflicts that arise on the basis of race, religion, ethnicity, and other protected classes. Some are skilled in balancing the due process rights of all parties during investigations and grievance or disciplinary procedures. Others are skilled in trauma-informed services. We can use these resources more effectively and increase collaboration among departments.

Recommendations:

- A. Launch a campus-wide Bias Training Initiative. In response to the increase in hate crimes/incidents around us, on campus, at other Colleges and Universities, in our borough, state, country and across the world, it is the recommendation that we launch a campus wide bias training initiative for all campus stakeholders. Educational bias training will provide awareness, insight and understanding into one's own habits, behaviors, interactions, and perceptions that may be biased. Only by understanding the implicit and explicit biases that we all have can we correct them.**
- B. Ensure all Public Safety and other Campus Security Authorities are completing annual Clery Act Training.**
- C. Train all Public Safety employees to recognize symbols and words of hate at least annually. This could be incorporated into the annual Workplace Violence Prevention Training.**
- D. Provide ongoing training throughout each school year, including summer sessions, on trauma-informed care, interviewing witnesses effectively, recognizing hate speech, intervening safely and appropriately, and disrupting micro- and macroaggressions.**
- E. Training needs to be interactive and include role-playing to appropriately prepare employees for dynamic everyday workplace scenarios.**
- F. Training should reinforce policies and procedures, providing not just knowledge but skill.**