

April 3, 2006

FINDINGS AND RECOMMENDATIONS OF THE UNITED STATES COMMISSION ON CIVIL RIGHTS REGARDING CAMPUS ANTI-SEMITISM

The United States Commission on Civil Rights issues the following findings and recommendations regarding incidents of anti-Semitic harassment at college campuses throughout the Nation:

Findings

1. Many college campuses throughout the United States continue to experience incidents of anti-Semitism. This is a serious problem which warrants further attention. While incidents of threatened bodily injury, physical intimidation or property damage are now rare, they have been alleged on some campuses. On other campuses, students have alleged patterns of threatening or intimidating behavior, derogatory remarks, vandalism, and use of Swastikas and other symbols of hatred or bigotry. When severe, persistent or pervasive, this behavior may constitute a hostile environment for students in violation of Title VI of the Civil Rights Act of 1964.
2. On many campuses, anti-Israeli or anti-Zionist propaganda has been disseminated that includes traditional anti-Semitic elements, including age-old anti-Jewish stereotypes and defamation. This has included, for example, anti-Israel literature that perpetuates the medieval anti-Semitic blood libel of Jews slaughtering children for ritual purpose, as well as anti-Zionist propaganda that exploits ancient stereotypes of Jews as greedy, aggressive, overly powerful, or conspiratorial. Such propaganda should be distinguished from legitimate discourse regarding foreign policy. Anti-Semitic bigotry is no less morally deplorable when camouflaged as anti-Israelism or anti-Zionism.
3. Substantial evidence suggests that many university departments of Middle East studies provide one-sided, highly polemical academic presentations and some may repress legitimate debate concerning Israel. This would include, for example, any program in which a student is told that she may not speak in a discussion of Middle East politics on the ground that she has ethnic Jewish physical characteristics.
4. Many college students do not know what rights and protections they have against anti-Semitic behavior.
5. More data are required to determine the full extent of this problem. The federal government currently gathers important data regarding hate crimes, including hate crimes

perpetrated at educational institutions. The Department of Education's Office of Postsecondary Education, for example, requires recipient institutions to report on serious incidents. This reporting, however, is insufficient, insofar as educational institutions are not currently required to report many categories, such as vandalism, that do not involve bodily injury.

Recommendations

1. OCR should protect college students from anti-Semitic and other discriminatory harassment by vigorously enforcing Title VI against recipients that deny equal educational opportunities to all students. University leadership should affirm their commitment to equal educational opportunity, including ensuring that students are not subjected to a hostile environment on the basis of race, national origin or religion.
2. University leadership should ensure that students are protected from actions that could engender a hostile environment in violation of federal law. In addition, university leadership should set a moral example by denouncing anti-Semitic and other hate speech, while safeguarding all rights protected under the First Amendment and under basic principles of academic freedom.
3. University leadership should ensure that all academic departments, including departments of Middle East studies, maintain academic standards, respect intellectual diversity, and ensure that the rights of all students are fully protected. Federal grant-making institutions should exercise appropriate oversight to ensure that federal funds are not used in a manner that supports discriminatory conduct.
4. OCR should conduct a public education campaign to inform college students of the rights and protections afforded to them under federal civil rights laws, including the right of Jewish students to be free from anti-Semitic harassment. The U.S. Commission on Civil Rights will support this campaign by producing and disseminating materials to inform students of these rights.
5. Congress should direct the U.S. Department of Education's Office of Postsecondary Education ("OPE") to collect and report data on a broader range of anti-Semitic and other hate crimes that take place at postsecondary institutions. For all degree-granting institutions, OPE should collect and report data for all hate crime categories reported by the Federal Bureau of Investigation under the Hate Crimes Statistics Act, 28 U.S.C. 534 note. At a minimum, OPE's categories should be expanded to include simple assault, intimidation and vandalism. In addition, OPE should collect and report data by category of prejudice as well as category of crime.
6. Congress should amend Title VI to make clear that discrimination on the basis of Jewish heritage constitutes prohibited national origin discrimination.