

Congress of the United States
Washington, DC 20515

April 15, 2016

The Honorable Dr. John King, Jr.
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, D.C. 20202

Dear Mr. Secretary,

Following your recent confirmation as Secretary of Education, we look forward to a constructive relationship with you and the Department.

As Members of the Bipartisan Taskforce for Combating Anti-Semitism, we are committed to rooting out the hatred which underlies anti-Semitism and promoting tolerance and peaceful coexistence in the United States and around the world. One of our top domestic priorities is addressing biased programs on college campuses and ensuring academic integrity and campus life for all American students.

Like you, we believe that no student should ever face discrimination and intimidation, and that the United States government must continually work to ensure that students' rights are never infringed, particularly their freedom of speech, assembly, and religion. As you stated in your Dear Colleague circulated to education leaders on December 31, 2015, "classroom discussions and other school activities should be structured to help students grapple with current events and conflicting viewpoints in constructive ways, and not in ways that result in the targeting of particular students for harassment or blame."

The Department's policies must continually evolve to meet the changing manifestation of certain biases to avoid new elements of prejudice. For example, anti-Semitic intimidation, harassment, and discrimination are manifested not only in easily recognizable anti-Semitic slurs but also in anti-Semitism masked as anti-Israel and anti-Zionist sentiment.

As you know, while Title VI of the Civil Rights Act of 1964 does not specifically cover religious-based discrimination, in 2004 the Department of Education Office for Civil Rights (OCR) Dear Colleague announced that OCR will interpret Title VI to include instances where students are targeted because of their actual or perceived shared ancestry or ethnic characteristics, regardless of whether they are members of a faith community, as in the case of Jewish, Sikh, and Muslim students. We appreciate your ongoing reference to the 2004 guidance and its reaffirmation as Department policy in the Dear Colleagues circulated in 2010 and 2015.

Nonetheless, we are particularly concerned by reports of over 500 anti-Israel programs on U.S. college campuses during the 2014-2015 academic year, an increase of 38% from the prior academic year, as well as 29 Boycott, Divestment, and Sanctions (BDS) movement campaigns sponsored by student groups, an increase of 21%. In light of these increases, we believe the Department should be prepared to identify and distinguish when speech and activity that are critical of Israeli policies become anti-Semitic harassment and intimidation.

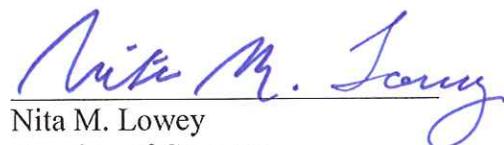
We also hope you share our view that any campus activity that threatens, harasses, or intimidates Jewish students should not be overlooked simply because it is presented as “anti-Israel” or “anti-Zionist.” This fits with the statement in the 2015 guidance that higher education institutions should “anticipate the potential challenges that may be faced by students who are especially at risk of harassment.”

The Department of Education has the responsibility for ensuring that all students, regardless of actual or perceived ancestry or ethnic identity, are guaranteed a campus experience free of violence, intimidation, or harassment. With this in mind, we would like to better understand how the Department is implementing its anti-discrimination policy and training staff in its OCR regional enforcement offices to apply these protections on college campuses.

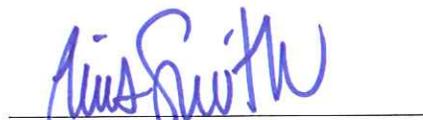
How many cases of anti-Semitism on campuses is OCR currently investigating? What instruction has been given to the OCR regional offices to learn how to detect cases of anti-Semitic bias and implement these protections on college campuses? Does the Department track cases of ancestral or ethnic bias against members of groups that share a common faith (e.g., Jewish, Muslim, Sikh) on college campuses? Has the Department provided policy guidance concerning anti-Semitism on campuses and examples of when actions and discourse nominally about Israeli policies devolve into hostile environments for some students and are supported, permitted, disregarded, or insufficiently addressed by school employees? Is the Department providing technical assistance and public education on these issues? Does the Department engage frequently with stakeholders that focus on these issues?

According to FBI’s Hate Crime Statistics Act report, while the number of incidents, offenses, and victims of anti-Jewish bias has decreased country-wide since 2010, they still make up a majority of all hate crimes motivated by religious bias. Addressing biases while students are in an educational environment remains critical to our ability to combat future trends of discrimination across our country. We stand ready to work with you to ensure a tolerant campus environment for everyone.

We look forward to your response.



Nita M. Lowey
Member of Congress



Christopher H. Smith
Member of Congress

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Eliot L. Engel
Member of Congress

Ileana Ros-Lehtinen

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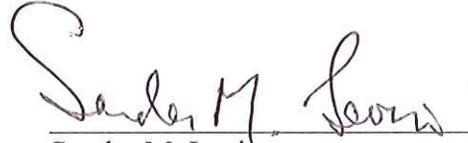
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