

**THE CRISIS ON CAMPUS:  
ANTISEMITISM, RADICAL FACULTY, AND THE  
FAILURE OF UNIVERSITY LEADERSHIP**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON WAYS AND MEANS**  
**HOUSE OF REPRESENTATIVES**  
ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

JUNE 13, 2024

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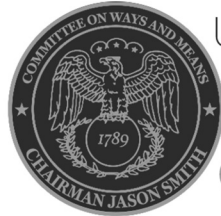
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United States House Committee on  
**Ways & Means**  
CHAIRMAN JASON SMITH

FOR IMMEDIATE RELEASE  
June 6, 2024  
No. FC-27

CONTACT: 202-225-3625

**Chairman Smith Announces Hearing on the Crisis on Campus: Antisemitism,  
Radical Faculty, and the Failure of University Leadership**

House Committee on Ways and Means Chairman Jason Smith (MO-08) announced today that the Committee will hold a hearing on the crisis of antisemitism on American college and university campuses. The hearing will take place on **Thursday, June 13, 2024, at 10:00 AM in 1100 Longworth House Office Building.**

In view of the limited time available to hear the witnesses, oral testimony at this hearing will be from the invited witnesses only. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Committee and for inclusion in the printed record of the hearing.

**DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:**

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these guidelines will not be printed but will be maintained in the Committee files for review and use by the Committee.

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The Committee seeks to make its facilities accessible to persons with disabilities. If you require accommodations, please call 202-225-3625 or request via email to [WMSubmission@mail.house.gov](mailto:WMSubmission@mail.house.gov) in advance of the event (four business days' notice is requested). Questions regarding accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

**Note:** All Committee advisories and news releases are available on the Committee website at <http://www.waysandmeans.house.gov/>.

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# **THE CRISIS ON CAMPUS: ANTISEMITISM, RADICAL FACULTY, AND THE FAILURE OF UNIVERSITY LEADERSHIP**

**THURSDAY, JUNE 13, 2024**

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON WAYS AND MEANS,  
*Washington, DC.*

The committee met, pursuant to call, at 10:49 a.m. in Room 1100, Longworth House Office Building, Hon. Jason T. Smith [chairman of the committee] presiding.

Chairman SMITH. The committee will come to order.

Following Hamas's horrific October 7 terrorist attack on Israel, antisemitism raged across the world, including on America's college campuses. This committee moved swiftly to investigate the spike in hate by holding a hearing just a few weeks after the attack.

Over the last eight months Americans have seen how the inaction of university leaders emboldened anti-Israel, anti-Jew, and anti-American radicals on college campuses. That inaction resulted in encampments springing up at many of America's so-called elite universities, and brought education at those institutions to a grinding halt. Students, faculty, and outside agitators stormed campus buildings and blocked entrances. Classes were disrupted or moved online. Long-awaited graduation ceremonies were canceled.

Following this committee's hearing in November we launched an investigation into several universities regarding their handling of violence and harassment of Jewish students on their campuses. The universities under investigation all failed to root out antisemitism and protect Jewish students on their campuses. The committee continues to receive evidence and firsthand accounts that schools are ignoring the concerns of Jewish students, failing to enforce campus policies, and refusing to discipline students found to have violated university rules and codes of conduct.

Just a few examples of such failures include the failure of MIT to discipline students who violated campus policies simply because they were not Americans and were here on student visas; the failure of Harvard to listen to the recommendations of its antisemitism advisory group, even though the committee identified ways Jewish students were being harassed; the failure of Cornell to enforce real discipline on campus agitators who violated campus policies by repeatedly disrupting basic educational functions, including class and exams; the failure of Penn to take meaningful disciplinary action against students and faculty who violated campus policies, including one student who stole an Israeli flag from a campus apartment

and the Faculty for Justice in Palestine blocking the entrance to campus.

The committee's investigation has identified three key areas of concern: first is the fact that weak university leadership has repeatedly failed to protect students and focus on its actual mission of educating students; second is the role that radical faculty are playing in fueling and, in some cases, taking part in violations of campus policy and law, on top of teaching concepts that fuel antisemitism and hatred; lastly, there is the role that international students are playing in antisemitic and dangerous protests on college campuses across the country.

Our investigation continues. But based on the evidence already gathered, we can easily see that many universities are failing their students by turning a blind eye to antisemitism. Instead, they are caving to the demands of loud, hateful, and destructive detractors, often to the detriment of student safety, coursework, class time, and academic success on campus. That is no way to fulfill an educational mission.

I am glad that Speaker Johnson called for a collective House investigation to bolster this committee's effort that started in November. House Republicans will continue to press universities to fulfill their tax-exempt purpose by changing course to regain control of campuses.

To the universities listening: If you think we will lose focus, interest, or forget about this, you couldn't be more wrong. We will continue to use the tools of the Ways and Means Committee to protect Americans on college campuses from danger until university administrators grow a spine and start doing their job.

I want to thank each of our witnesses for being here, and I look forward to learning more about what is occurring on college campuses today, and how the situation has evolved since the hearing in November.

Chairman SMITH. I am pleased to recognize Ranking Member Neal for his opening statement.

Mr. NEAL. Thank you. I want to thank our witnesses for being here this morning, and especially a warm welcome to our former colleague and my friend, former Congressman Ted Deutch.

And congratulations to Talia for her graduation, as well.

At the outset, I think it is fair to say that we all condemn antisemitism. Since our last hearing we are saddened that the hateful actions and rhetoric that has too often targeted Jewish students has continued. These incidents have disrupted campuses, leaving too many questioning safety. Universities certainly have a responsibility to cultivate safe and supportive learning environments, and today we are going to hear what has happened in the spring, and consider recommendations to combat antisemitism on campuses this fall.

Some of today's witnesses may blame campus antisemitism on DEI programs. I do not agree. Celebrating and learning from our differences is how we become a more inclusive nation while combating some of the biggest threats. The idea here should remain part of the universal form called unity without uniformity.

The Biden Administration has been hard at work to help our campuses, announcing multiple actions to address reported

antisemitic incidents at our schools and our college campuses, including the role of DHS and DoJ as they engage with state, local, and campus law enforcement. The Administration has also updated the Department of Education Office of Civil Rights Discrimination Complaints to process and specify that there are certain forms of antisemitism and Islamophobia that are prohibited under title 6 of the 1964 Civil Rights Act. Our universities, I anticipate, will take this summer to prepare for what comes next.

Americans are counting on the continuation of free thought, and at the same time the safety of students on our college campuses. We need to meet the moment with great care, thoughtfulness, and vigilance. Fighting antisemitism and, indeed, all hate should remain a priority, not to miss the point that there was ugly strains of religious bigotry throughout American history, including the role that the Know Nothings played in opposition to immigration more than a century ago. Denouncing bigotry in all forms is an American value, and that is one that we must carry forward from here today.

Mr. NEAL. Let me yield the balance of my time to a gentleman who has exhibited, I think, great sound temperament and advice to the committee, the gentleman from Illinois, Mr. Schneider.

Mr. SCHNEIDER. Thank you, Ranking Member Neal, and welcome. I will take the privilege to also welcome my dear friend, former colleague, Ted Deutch, and make note of the piece of tape on your lapel that says 251 days since the hostages were captured.

And to Talia, I extend congratulations to you and your family on graduation, graduation from Columbia, which has been at the center of much of what we are talking about today, and it is not surprising. It is not something that happened overnight at Columbia. It is an issue that has festered there for a very long time, but was accelerated following October 7, and we will talk more about that today.

What should every young person be able to rightly expect when attending college or university, often leaving the safety of their home communities for the first time? To be educated, to learn the lessons and skills to prepare for a successful, fulfilling career and life. To be intellectually challenged, including having some of their core beliefs, their most closely held truths, proven wrong. But also, to be safe, in their person and their spirit, in their ability to learn and grow, to step out of their comfort zones and expand their horizons.

What we have seen on campuses across the country since October 7 is an explosion of antisemitism, often in its most vile forms, specifically targeting Jewish students under the guise of anti-Israel or anti-Zionist protest. According to the ADL, we saw a nearly 400 percent increase in antisemitic incidents in just the first few months after October 7, and the rate only accelerated in the spring as the weather improved and the protesters moved to occupy campuses.

To be clear, being anti-Israel is not necessarily antisemitic, any more than being opposed to the policies of any other country or government. However, delegitimizing Jews' aspiration for a state in their national homeland, a land in which Jews have continuously lived for 3,500 years, is absolutely antisemitism. Excluding Jewish, Israeli, and pro-Israeli students from classrooms, public spaces,

and organizational activities on campus is antisemitism. Vandalizing the homes, offices, or rooms of Jewish administrators, faculties, or students is antisemitism.

Our colleges and universities should be safe places for learning and growth, not hotbeds of hate and discrimination. Too many Jewish students on campus have been targeted as individuals and collectively.

This is not about free speech. I will defend everyone's right to stand at the Rock at Northwestern, or Harvard Yard, or the quad, or the center of any school and express their views. But when speech crosses over into hate, to intimidation, to exclusion or isolation, it is imperative that school leaders, including university presidents but also faculty and even student governments and student leaders, recognize that hate has no place on their campus.

Every student, irrespective of religion, nationality, or ideology, must feel safe, and we expect our universities to ensure that they do.

Mr. SCHNEIDER. I yield back.

Chairman SMITH. Thank you.

Before I begin I want to take a moment and acknowledge Dr. Murphy, and also Mr. Evans, both valued members of our committee that are not with us because they are both recovering from treatments and procedures, and we will continue to keep them in our prayers, and we look forward to both of them coming back to our committee very soon.

I will now introduce our witnesses.

One of the witnesses from our November hearing, Ms. Talia Dror, is back today to update us on how the environment on her college campus, Cornell University, has worsened. To her credit, despite the sad circumstances on campus, she graduated college a few weeks ago. And on behalf of the entire committee I would like to extend our congratulations and welcome you back.

We have Professor Shai Davidai.

Mr. DAVIDAI. Shai Davidai.

Chairman SMITH. Shai Davidai. Is that—well, it is closer.

Mr. DAVIDAI. Like the adjective, shy.

Chairman SMITH. I am going to call you Professor. [Laughter.]

Professor. He is an assistant professor of business at Columbia Business School.

We have Dr. Jonathan Pidluzny, who is the director of higher education reform at America First Policy Institute.

We have the honorable Kenneth L. Marcus, who is the founder and chairman at Louis D. Brandeis Center for Human Rights Under Law.

And we have the honorable and former colleague, Mr. Ted Deutch.

Welcome back to the House.

He is the chief executive officer at American Jewish Community.

Thank you all for joining us today. Your written statements will be made part of the hearing record, and you each have five minutes to deliver your remarks.

Ms. Dror, you may begin when you are ready.



**STATEMENT OF TALIA DROR, CURRENT STUDENT AT CORNELL UNIVERSITY AND VICE PRESIDENT OF FINANCE, CORNELLIAN FOR ISRAEL**

Ms. DROR. Chairman Smith, Ranking member Neal, and members of the Ways and Means Committee, thank you for inviting me back to testify today. My name is Talia Dror. I am a recent graduate of Cornell University.

Seven months ago I described how, directly after the October 7 attacks, my campus erupted in celebration. I explained how the antisemitic environment fostered by pro-Hamas students, professors, and administrators led to a Cornell student threatening to bomb our kosher dining hall and slaughter every Jew on our campus. I am here today to tell you that, since then, blatant violations of Cornell's code of conduct continue, appeased and rewarded by my university.

Now these violations have been exposed for what they truly are: expressions not just of Jew hatred, but of a burning hatred for the United States itself. In December students occupied our main building, vandalizing it with genocidal slogans and hoisting a Palestinian flag on an American flagpole.

In January, student protesters chanted, "Houthis, Houthis, make us proud, turn another ship around." The Houthis are a U.S.-designated terrorist organization whose slogan reads, "God is great, death to America, death to Israel, curse on the Jews, victory to Islam."

Throughout the month of February, protesters held weekly die-ins. I was in the library during the first die-in. I watched as hundreds of masked students lay on the floor and began chanting antisemitic slogans. As I watched alongside visibly disturbed students, I saw an administrator just standing there and watching, doing nothing to enforce Cornell's policies. A Jewish freshman who was studying there recognized me and began sobbing in my arms.

As I held this girl, whose name I did not even know, I realized the gravity of the moment: Cornell's administration has made a decision to protect hateful radicals at the expense of everyone else.

In the following weeks, Cornell's policy of appeasement resulted in classes constantly being canceled and exams needing to be moved as the pro-Hamas group wreaked havoc.

Anti-American students stifle intellectual disagreement by threatening anyone who does not conform to their orthodoxy. On March 3, a Jewish student was accosted by a fellow student who approached her and yelled, "F'ing Zionist scum. Yes, I have seen you around, Genocidaire. God forbid a Zionist feel unsafe." The university's investigation has been open for over three months now, with no resolution in sight.

On March 29, a member of Cornell's student government refused to allow pro-Hamas students to break election rules. That night a student told him that he had better watch his back, and that he would regret ever joining the student assembly.

This should come as no surprise, as the administration not only allows these incidents to occur, it promotes the antisemitic ideology fueling them. As part of their education series on antisemitism and Islamophobia, the university sponsored a lecture by Sahar Aziz,

who is currently being investigated by both the U.S. House and Senate for espousing vile, antisemitic propaganda.

Cornell has also platformed a vocal pro-Hamas student who referred to Jewish students as “bloodthirsty Zionists only satiated by the blood of Palestinians,” and claims that he does not take his cue from the Cornell Student Assembly, but rather from the armed resistance in Palestine, referring to Hamas. Next year this student will be teaching an introductory course for incoming freshmen.

On April 25, Cornell students formed an encampment, blatantly violating the code of conduct. In-campers chanted phrases like, “There is only one solution, intifada revolution,” a call to kill Jews worldwide. Three weeks later, when the encampment was dismantled, the university issued a statement expressing gratitude that the students terrorizing campus somehow restrained themselves from physically carrying out their violent sentiments. All the administration had to do was enforce its existing rules. Instead, it chose to negotiate with the protesters, grant them immunity, and thank them for their self-restraint. The message was very clear: Rules are meaningless and lawlessness is rewarded.

Let me be very clear. The hostile environment I have just described to you pervades campuses all across the country, from Harvard to UC Santa Barbara, from UCLA to Yale. American universities have allowed themselves to be controlled by vicious chants, rule-breaking, and anarchy. If they wish to continue benefitting from government funding, they must start upholding American values, rather than bowing to those who wish to see this country burn. My tuition has subsidized the indoctrination a generation that hates our country. It would be a disgrace for even one more taxpayer dollar to do the same.

Thank you for the opportunity to testify.

[The statement of Ms. Dror follows:]

**Written Testimony of  
Talía Dror**

**Committee on Ways and Means  
U.S. House of Representatives**

**June 13, 2024**

**Hearing on the Crisis on Campus: Antisemitism, Radical Faculty, and the  
Failure of University Leadership**

Chairman Smith, Ranking Member Neal, and Members of the Ways and Means Committee:

Thank you for inviting me back to testify today.

My name is Talía Dror. I'm a recent graduate of Cornell University's School of Industrial and Labor Relations.

Eight months ago, I sat in these very chambers and described how, directly after the October 7th attacks, my campus erupted in celebration. I explained how the antisemitic environment fostered by pro-Hamas students, professors, and administrators led to a Cornell student threatening to bomb our kosher dining hall and slaughter every Jew on our campus.

I am here today to tell you that since then, *nothing has changed*. Blatant violations of Cornell's code of conduct continue, appeased and rewarded by my university. Now, these violations have been exposed for what they truly are: expressions not just of antisemitism, but of a burning hatred for the United States itself.

On December 3rd, students occupied our main campus building, refusing to leave until the university conceded to their demands. They desecrated the building with genocidal slogans, including a call for an intifada in Ithaca, directly inciting terror against Jewish students. They put up a Palestinian flag on an American flagpole.

In January, student protesters chanted, "Houthis Houthis make us proud, turn another ship around." The slogan of the Houthis, a U.S.-designated terrorist organization, is: "God Is the Greatest, Death to America, Death to Israel, A Curse Upon the Jews, Victory to Islam." Students are cheering on terrorists who want to destroy America — it starts with the Jews, but it never ends with them.

Throughout the month of February, students held weekly die-ins during which a crowd of 200 protestors walked into libraries, lay on the floor, yelled genocidal slogans, and inhibited students' ability to study.

I witnessed the first of these die-ins. As hundreds of masked students lay down on the floor of the library screaming antisemitic chants, I saw an administrator merely standing there, watching, doing nothing to enforce Cornell's policies. A Jewish freshman who was studying at the time recognized me as a student leader and began sobbing in my arms. As I held this girl, whose name I did not even know, I realized the gravity of the moment. My administration made a decision- to prioritize the ability of hateful students to terrorize and disrupt campus in clear violation of university rules.

In the following weeks, Cornell's policy of appeasement infused the protests with renewed vigor. Classes were constantly interrupted and several exams were even moved as the pro-Hamas student group continued to wreak havoc on campus life. They let the inmates run the asylum.

On March 3rd, a Jewish student leader was accosted by a fellow student who approached her and yelled: "F\*CKING ZIONIST SCUM... YEAH I'VE SEEN YOU AROUND... GENOCIDAIRE... GOD FORBID A ZIONIST FEEL UNSAFE." The University's investigation into the incident has been open for over three months, with no resolution in sight. My university, with its exorbitant wealth and power, is too scared to take action against pro-Hamas protestors. How does it expect students to feel?

On March 28th, Cornell's administration sponsored a lecture by Sahar Aziz, who is being investigated by the US Senate and House for espousing vile antisemitic propaganda, denying aspects of the October 7th attacks while praising terror attacks on Israeli civilians. Instead of fostering open and respectful dialogue, Cornell's administration platforms those who reinforce our antisemitic and anti-American campus climate.

On March 29th, a member of Cornell's student government refused to allow pro-Hamas students to break election rules. That night, a student told him to "watch his back" and that he would "regret joining the Student Assembly." Even non-Jewish students are being targeted if they do not conform to the pro-Hamas orthodoxy.

On April 25th, students formed an encampment on the campus quad, blatantly violating the code of conduct. Encampers continued to chant genocidal phrases like "there is only one solution, intifada revolution," a call to kill Jews worldwide.

On May 14th, the same day the encampment was dismantled, the university issued a statement *thanking* the students responsible for the encampment for not inciting physical violence. Rather

than punishing protesters for violating university rules, they *expressed gratitude* that the students terrorizing campus and stifling intellectual disagreement managed to stop themselves from physically carrying out their violent sentiments.

All the administration had to do was enforce its existing rules. Instead, it chose to negotiate with the protestors, grant them immunity, and concede to their demands. The message was very clear: rules are meaningless, and lawlessness is rewarded when it promotes an anti-American agenda.

The leaders of this campus movement proudly document their hatred online. One student leader referred to Jewish students as “Bloodthirsty Zionists only satiated by the blood of Palestinians.” He claims he “takes his cue not from the Cornell Student Assembly but from the armed resistance in Palestine,” referring to Hamas. Despite this, the administration not only lifted his suspension, but granted him a position to teach an introductory course for incoming freshmen next semester.

In an attempt to cover up its egregious mishandling of campus life, Cornell recently released a 9-step recommendation plan to address antisemitism, which includes hiring an Israeli professor and publishing a statement against antisemitism on its website. Nowhere does it mention firing antisemitic professors or cutting ties with Qatar, a country which has invested 1.8 billion dollars in Cornell, and is one of Hamas’s most prominent financial backers. Their proposed solutions are performative band-aids on the administration’s inability to understand and address Cornell’s deeply ingrained, systematic moral rot.

I have provided just a few examples of rampant antisemitic and anti-American hate on Cornell’s campus, all of which is enabled by my administration’s cowardice. Let me be very clear: what I have just described to you pervades campuses all across the country.

American universities claim to uphold the principles of free speech, but their actions reveal double standards in policy enforcement. They have allowed themselves to be controlled by vicious chants, rule-breaking, and anarchy. If they wish to continue benefiting from government funding, they must uphold American values rather than bowing to those who wish to see them burn.

I just graduated from Cornell. My tuition subsidized the breeding of a generation who hates our country. It would be a disgrace for even one more taxpayer dollar to do the same.

Chairman SMITH. Thank you.  
Professor Davidai, you are now recognized.

**STATEMENT OF SHAI DAVIDAI, PH.D., ASSISTANT PROFESSOR  
OF BUSINESS, COLUMBIA BUSINESS SCHOOL**

Mr. DAVIDAI. My name is Shai Davidai. I am an assistant professor at Columbia Business School.

Since October 7, when Hamas raped, tortured, slaughtered, and kidnaped more than 1,400 of my people, Columbia's campus has been a hostile environment for Jews and Israelis like me. Over the past months, Jewish students have locked themselves in dorms to avoid being assaulted. They have been spat on, attacked, bullied, vilified, chased, and told to keep F'ing running. This is not an exaggeration. This is the reality of what it is like being Jewish and Israeli at Columbia since October 7.

For more than eight months, Columbia University has refused to deal with the student organizations whose leaders and members have, among other things, publicly supported Hamas, the PFLP, and the Islamic Jihad; illegally occupied public spaces on campus from which they denied entry to Jewish and Israeli students; violently took over a university building and held an employee hostage against his will; chanted in support of the Houthis, a terrorist organization whose flag calls for death to Israel, death to America, and a curse upon the Jews; called for the extermination of Israel; called for Zionists to be killed; called for rockets to be shot at Tel Aviv; supported the Islamic Republic of Iran in its attack on Israeli civilian targets; harassed a rabbi who was escorting Jewish students to safety; hosted the wife of a man convicted of providing material support to Hamas; amplified calls by Hamas for violence in Jerusalem; set up memorials for convicted terrorists on campus; called on the military wing of Hamas to attack Jewish-American students; and invited speakers with known ties to terrorist organizations to an event in support of terrorism.

Everything I have just noted is well documented and known to the university leaders, yet there are two Columbias, a Columbia in theory and a Columbia in practice.

In theory, Columbia suspended two organizations and a handful of their leaders for their pro-terror activity. In practice, these suspensions were never enforced, and they continue to organize on campus without interruptions.

In theory, Columbia has stated that pro-terror campus protests are unauthorized. In practice, the university has never dispersed even a single protest.

In theory, Columbia cares about the safety of its Jewish and Israeli students. In practice, it doesn't.

Minouche Shafik, Jerry Rosberg, Cass Holloway, and Phyllis Rosen have all personally allowed these organizations to terrorize Jewish, Israeli—and Israeli students with complete impunity. They must be held accountable.

Yet these individuals are just the tip of the iceberg. We must hold accountable the entire administration and the board of trustees. We must hold accountable the faculty who openly support and celebrate terrorism: Professor Joseph Massad, who expressed his jubilation and awe at the massacre, rape, torture, and kidnaping

of Israeli civilians; Professor Mohamed Abdou, who openly supports terrorism, stating that he is with the resistance, be it Hamas, Hezbollah, and Islamic Jihad; Professor Katherine Franke, who has justified terrorist attacks against Israel and has claimed that Israelis are a danger on campus; Professor Rashid Khalidi, who was reportedly the spokesperson for the PLO when it was still an active terrorist organization, and who has legitimized Hamas and Islamic Jihad as resistance fighters; Professor Mahmood Mamdani, who has called for the dismantling of the Jewish state; and Professors Asim Ansari and Kamel Jedidi of Columbia Business School, who, along with many other professors, signed a letter minimizing the massacre, rape, and kidnaping of civilians as merely a military response.

These professors receive millions of dollars in Federal funding for their research and teaching.

These professors teach the next generation of American doctors, lawyers, teachers, leaders, and social workers.

These are the professors with whom American parents entrust their kids' safety.

This is why I am here. I am here to speak up for every decent American who believes that antisemitism and support for terrorism have no place on campus.

I am here to speak up for every person, Jewish or non-Jewish, who believes that rape is never, never, never okay.

I am here to speak up for the future of higher education. Yes, I have had—I have paid a price, a personal price for speaking up. But I would rather pay the price for speaking up than the price for staying silent.

Let me be clear. This is not about politics. The terrorists who kidnaped Keith Seigel, an American from North Carolina, did not stop to ask him who he voted for in the previous elections. The professors who called the kidnaping of Omer Neutra, an American from Long Island, “a military response” do not care about his geopolitics. The students who desecrate pictures of Hersh Goldberg-Polin, an American who had his arm blown off before being kidnaped into Gaza, do not care about his views on the Israeli-Palestinian conflict. This is not about politics. This is about hate, hate for Israel, hate for the Jewish people's right for self-determination, and hate for America and all that it stands for.

Like the U.S. Congress, I and many others have been asleep at the wheel for too long. It is time to take action. It is time to wake up. Thank you very much.

[The statement of Mr. Davidai follows:]

My name is Shai Davidai. I am an Assistant Professor at Columbia Business School. I am Jewish and Israeli. Since October 7, 2023—when Hamas raped, tortured, and slaughtered more than 1,200 of my people and kidnapped more than an additional 240 people—Columbia’s campus has been a hostile environment for Jews and Israelis like me. That is why Columbia is now under investigation by the U.S. Congress and is facing two lawsuits, brought by close to 20 Jewish students, for violations of their civil rights.

But to say that civil rights are being violated does not begin to capture what Jews and Israelis have been forced to endure on campus. Over the past months, Jewish students at Columbia have been locking themselves in their dorms to avoid being assaulted. They have been spat on, attacked, bullied, and vilified. Columbia has done nothing to stop pro-terror student organizations that justify, excuse, and celebrate the massacre of my people, and chant for their eradication “by any means necessary.” As if violence against my four-year-old Israeli niece and my 93-year-old Israeli grandmother would be justified acts of resistance by “freedom fighters”—acts worthy of celebration.

**This is not an exaggeration. This is the reality of what it’s like being Jewish and Israeli at Columbia University since October 7.**

Over the past eight months, Columbia University has, among other things:

- a. Received a “D” on an official report about antisemitism by the Anti-Defamation League.
- b. Repeatedly dismissed Jewish students’ concerns about their physical safety, prompting a prominent Jewish leader to urge students to evacuate campus.



- c. Failed to enforce the suspension of pro-terror student organizations and their leaders.
- d. Allowed multiple illegal protests to take place on campus and refused to address a Jewish student's concern about these protests.
- e. Allowed professors to teach classes inside an illegal encampment from which Jewish and Israeli students were denied entry and in which their physical safety could not be guaranteed. In doing so, the university denied these students' right for an education due to their religion, ethnicity, and/or nationality.
- f. Negotiated with pro-Hamas and pro-Islamic Jihad student organizations whose leaders and members have:
  - i. illegally occupied public spaces on campus.
  - ii. denied entry to these public spaces to Jewish and Israeli students, faculty, and staff who refused to denounce their identity.
  - iii. violently took over a university building and held a university employee hostage against his will.
  - iv. Chanted in support of the Houthis, a terrorist group that has been shooting missiles at American ships deployed to the Middle East and whose flag calls for Death to Israel, Death to America, and "a crusade upon the Jews"
  - v. Have called for the extermination of Israel and for "Death to the Zionist state."
  - vi. publicly stated that Zionists should not be allowed to live and should therefore be killed.
  - vii. publicly identified with, and expressed support, for Hamas

- viii. called for rockets to be shot at Tel Aviv and sided with the Islamic Revolutionary Guard Corps of Iran as it was shooting droves of drones and ballistic missiles at Israeli civilian targets.
- ix. chased out of campus a Rabbi as he was escorting Jewish students to safety.
- x. invited the wife of Sami Al-Arian—a Kuwait-born American who was deported from the U.S. for providing material support to Hamas—to their illegal encampment.
- xi. welcomed to their illegal encampment Ilhan Omar—a member of a Congressional committee whose daughter was arrested for her pro-Hamas activity on campus.
- xii. amplified a call by a Hamas spokesperson for violence in Jerusalem.
- xiii. set up memorials for convicted terrorists on public spaces on campus.
- xiv. directed the Al-Qassam Brigades—the military wing of Hamas—to attack Jewish American students on campus.
- xv. invited speakers with known ties to terrorist organizations to lead a “Resistance 101” event, in which students were encouraged to express support for terrorism and were told that the October 7 massacre was a necessary and justified action.

Everything I had just noted has been well-documented and is known to the leaders of the university. In fact, in a recent lawsuit settlement, Columbia has admitted that Jewish and Israeli students are at risk on campus has vowed to therefore offer “safety escorts” to protect these

students' safety. To the best of my knowledge, not since the desegregation of the American education system have students needed safety escorts simply to attend class.

For the past eight months, there have been two Columbias: A Columbia in theory and a Columbia in practice.

- In theory, Columbia suspended two pro-terror student organizations seven months ago.. In practice, those organizations still organize protests on campus in support of Hamas, the PFLP, and the Islamic Jihad with complete impunity.
- In theory, Columbia suspended a handful of student leaders who invited to campus speakers with known ties to terrorist organizations. In practice, this suspension was never enforced and these students have continued to lead pro-terror activity on campus.
- In theory, Columbia's President testified in Congress that a professor who expressed support for Hamas and Hezbollah "has been terminated". In practice, this professor has said that no such thing has happened.
- In theory, Columbia has repeatedly stated that the pro-terror campus protests are unauthorized. In practice, the university has never dispersed even a single protest nor expelled the organizations responsible for them.
- In theory, Columbia University cares about the safety of its Jewish and Israeli students, faculty, and staff. In practice, it doesn't.

Minouche Shafik, the President of Columbia University, is personally responsible and must be held accountable for allowing our school to become an unsafe and unwelcoming place for the

Jewish and Israeli community. But President Shafik is not the problem. She is merely a symptom of a deeply entrenched antisemitic, anti-American, and pro-terrorist sentiment that has proliferated on Columbia's campus.

The problem is the administration, headed by Cas Holloway and Felice Rosan—Columbia's COO and General Counsel, who have personally allowed pro-Hamas organizations to terrorize Jewish and Israeli students with complete impunity.

The problem is the entire Board of Trustees who seem to care more about furnishing their summer homes than about the safety and wellbeing of Jewish students, faculty, and staff.

The problem is the faculty who openly support and celebrate Hamas:

- Professor Joseph Massad who, on October 8<sup>th</sup>, expressed his “jubilation and awe” at the murder, rape, torture, and kidnapping of Israeli civilians.
- Professor Mohamed Abdou, who openly expressed his support for terrorism, stating that he is “with the resistance, be it Hamas and Hezbollah and Islamic Jihad.”
- Professor Hamid Dabishi, who has stated that Israel is an “outpost of American military barbarism” and blamed Israel for “every dirty treacherous ugly and pernicious act happening in the world.”
- Professor Katherine Franke, who has justified terrorist attacks as “anti-colonial resistance,” has spoken in favor of violent attacks on Israel's border, and has openly claimed that Israelis are a danger on campus because we completed our mandatory military service.
- Professor Rashid Khalidi, who in the late 1970s was reportedly the spokesperson for the PLO (then still an active terrorist organization), has legitimized Hamas and Islamic Jihad terrorists as “resistance fighters,” and has smeared observant Jews as “indoctrinated.”

- Professor George Saliba, who canceled classes so that his students could attend anti-Israel protests.
- Professor Mahmood Mamdani, who has called for “the dismantling of the Jewish state” and has made multiple appearances at the illegal encampment on campus.
- Professor Marc Lamont Hill, who has publicly glorified convicted terrorists who have hijacked Israeli and American airplanes, orchestrated bombing attacks, attacked civilians in downtown Jerusalem with hand grenades.
- Professors Asim Ansari and Kamel Jedidi of Columbia Business School, who, along with over 100 other professors, signed a letter minimizing the massacre, torture, rape and kidnapping of civilians by Hamas and the Islamic Jihad as merely “a military response.”

These are the professors with whom American parents entrust their kids’ physical and mental wellbeing. These are the professors who teach the next generation of American doctors, lawyers, teachers, and social workers. These are professors who receive millions of dollars of federal funding for their research and teaching. If my son or daughter had to take a class with one of these professors, I wouldn’t be able to sleep at night. I don’t know how Jewish parents of Columbia students do it.

The systemic antisemitism, anti-American, and pro-terrorist ideology at Columbia is not a new phenomenon. The 2004 movie *Columbia Unbecoming* shows how many of these professors have been targeting Jewish and Israeli students for more than two decades.

**It is not that Columbia University cannot deal with this issue. It is that Columbia refuses to do so.**

For decades, there has been no accountability for professors who indoctrinate rather than educate young Americans. There has been no leadership, no taking of personal responsibility. In such a climate, it is not surprising that students feel complete impunity to spew their hatred toward Israelis, Jews, and the United States of America.

Columbia University is the largest private landlord in New York City. Yet, due to various exemptions, Columbia pays very little property taxes. On top of that, Columbia receives more than \$1,000,000,000 in federal funding. Simply put, Columbia is one of the largest taxpayer-funded private landlords in the country.

As a taxpayer, it is beyond disturbing to know that my money funds an institution that allows antisemitic and pro-terrorist rhetoric and activity to proliferate. To think that Americans from all over the country are funding this corrupt establishment is not only troubling, but deeply dangerous.

Over the past eight months, I have paid a personal price for speaking up. I receive threats on a daily basis. My home address and class schedule have been posted online, urging people to harass me. Members of these pro-terror organizations have publicly smeared me, my wife, my parents, and my late grandfather. They even published pictures of my two-year-old daughter and eight-year-old son. Yet, I refuse to be deterred.

I am not fighting for myself. I am fighting for every decent American who believes that antisemitism and support for terrorism have no place on college campuses. I am fighting for

every person – Jewish or non-Jewish – who believes that rape is never, never, never OK. I am fighting for the future of higher education.

I have paid, and continue to pay, the price for speaking up. Yet, I would rather pay the price for speaking up, than the price for staying silent.

Let me be clear: This is not about politics. The terrorists who kidnapped Keith Seigel, a 65-year-old American citizen from North Carolina, did not stop to ask him who he would have voted for in the upcoming elections. The professors who signed a letter calling the kidnapping of Omer Neutra, a 22-year-old American from Long Island, “a military response” never stopped to consider his views about Middle Eastern geopolitics. The student organizations that glorify Hamas’ kidnapping of Hersh Goldberg-Polin, a 23-year-old American who had his arm blown before being kidnapped into Gaza, do not care about his views regarding a two-state solution.

**This is about hate. Hate for Israel, hate for the Jewish people’s right for self-determination, and hate for America and all that it stands for.**

Columbia is an extreme case study of the antisemitic, anti-American wave washing over U.S. higher education, yet it is not unique. Like the U.S. Congress, I and many others have been asleep at the wheel for too long. It is time to take action. It is time to wake up.

Thank you.

Chairman SMITH. Thank you, Doctor.  
Dr. Pidluzny, you are now recognized.

**STATEMENT OF JONATHAN PIDLUZNY, PH.D., DIRECTOR,  
HIGHER EDUCATION REFORM, AMERICA FIRST POLICY IN-  
STITUTE**

Mr. PIDLUZNY. Chairman Smith, Ranking Member Neal, and members of the committee, thank you for the opportunity to testify today. It is a real privilege.

I direct the Higher Education Reform Initiative at the America First Policy Institute. Prior to joining AFPI, I was vice president of academic affairs at the American Council of Trustees and Alumni. I began my career on a public university campus, and spent 10 great years teaching political science in Kentucky.

What has happened on U.S. campuses since the Hamas massacre should shake us to the core. It is not just that the hatred is deep in the places where we train tomorrow's leaders. University administrators have reacted to violent displays of antisemitism with indifference to their Jewish students' well-being.

Perhaps most surprising of all, the worst of the violence and harassment has occurred at the country's wealthiest and its most prestigious institutions. This matters for many reasons, not least because our elite universities shape the broader public culture. What happens on campus today will radiate through American society, reshaping attitudes for years to come.

With my time today I would like to explore some of the reasons I think the hatred is most pronounced at elite universities. There are three main drivers of campus antisemitism, in my view: anti-Zionist faculty; radical students and the pro-Hamas student groups they lead; and the diversity, equity, and inclusion programs that now suffuse higher education. I would like to focus on DEI, because it is the atmospheric cause, the ideas in the air that dispose young people to find antisemitic faculty and students so compelling.

DEI is not about ensuring that under-prepared students have the support they need to succeed in educational programs that promise a high return on investment. Universities should actually be doing more of that. DEI's real priorities are drawn from critical race theory. The goal is to use the university to reengineer American society away from its aspirational ideals: equality before the law, equal treatment according to individual merit.

Instead, DEI pushes relentlessly for equity, equal outcomes, and to dismantle "systemic oppression" by making race and identity central to everything we do and everything we think. As such, DEI teaches that the world is made up of oppressors and the oppressed, victims and those with privilege. This divisive ideology primes students to make snap judgments about each other based on skin color and identity group stereotypes.

Jews are coded as the oppressors by virtue of their political and economic success. This is what creates a kind of permission structure for students to join in with the true radicals cheering for the Hamas terrorists who deliberately kill children and rape hostages.

Major universities spend tens of millions of dollars each year on DEI, and their armies number in the hundreds. This helps to ex-



plain why antisemitism is more pronounced on elite campuses. They have been funding what drives it for over a decade.

Four points in closing will give perspective on how this relates to higher education finance.

First, of the 12 wealthiest private universities by endowment value, 11 had antisemitic encampments or arrests. In 2022 Harvard's endowment hit 53 billion. Columbia's topped 14. The 300 private schools with endowments valued at more than \$100,000 per student together control well over a half-trillion dollars, war chests that receive supremely favorable tax treatment.

Second, elite universities receive billions in Federal grants and contracts every year. To be sure, these programs fund important research. But universities also receive indirect cost reimbursements as high as 69 percent on top of the programs funded. That is unrestricted revenue that can be spent on other priorities. In 2022 Columbia took in \$1.2 billion in Federal grants and contracts. And again, all but 1 of the top 12 private university recipients of Federal grants saw antisemitic arrests or encampments this spring.

Third, foreign money has been flowing to elite universities for decades. In recent years the sums have been enormous: for example, 1.8 billion since 2014 for Cornell, and that is just from Saudi Arabia and Qatar.

Last, elite universities enroll thousands of foreign students who generally pay full freight. It only takes a small number to spark violent and menacing protests. Our analysis revealed that, out of the 111 universities with antisemitic encampments and/or arrests this year, 20 have student bodies consisting of more than 20 percent foreign students; 13 campuses surpassed 25 percent.

In conclusion, the spasms of hate that have convulsed elite universities demonstrate that existing accountability structures are insufficient. Immense public investment in higher education rightly makes this an important subject for congressional oversight. It also gives the Congress several powerful policy levers to affect positive change. Thank you.

[The statement of Mr. Pidluzny follows:]

Committee on Ways and Means  
U.S. House of Representatives

**“The Campus Antisemitism Complex at Elite U.S. Universities”**

Testimony of Jonathan Pidluzny, Ph.D.  
America First Policy Institute

Chairman Smith, Ranking Member Neal, and members of the committee, thank you for the opportunity to testify today. It is a privilege.

I direct the Higher Education Reform Initiative at the America First Policy Institute (AFPI). Prior to joining AFPI, I was vice president of academic affairs at the American Council of Trustees and Alumni. I began my career on a university campus and spent ten years teaching political science at Morehead State University, where I was an associate professor, political science program coordinator, and faculty regent from 2017-19.

The nation has watched in horror and disgust this year as spasms of Jew hatred have convulsed U.S. universities. The violent protests and illegal encampments severely disrupted operations on over 100 campuses.<sup>1</sup> At Columbia, administrators moved classes online to avoid dismantling the tent city while Jewish students were urged to avoid campus for safety reasons.<sup>2</sup> Students around the country have been injured by menacing mobs chanting genocidal slogans. Graduations have been canceled or disrupted.<sup>3</sup> In all, over three thousand rioters were arrested by the end of the spring term on at least 72 campuses.<sup>4</sup>

What has happened on U.S. campuses in the months since the Hamas massacre is shocking on many levels. It is not just that the hatred is deep in the places where we train tomorrow’s public leaders. University administrators have reacted to antisemitism, including its violent manifestations, with callous disregard for their Jewish students’ wellbeing.<sup>5</sup> So have public servants, including the U.S. Department of Education, which has utterly neglected its responsibility to hold colleges to account.<sup>6</sup>

But perhaps most surprising of all, the worst of the violence and antisemitic harassment has occurred at the country’s most prestigious, most selective, wealthiest, and most storied institutions. This matters for many reasons, not least because our universities shape the broader culture. Campuses that tolerate and foment Jew hatred are inculcating attitudes that graduates will take with them into their communities, workplaces, and the families they build. What happens on campus today will radiate through American society, reshaping it, for years to come.

Of specific concern to this committee: American taxpayers are funding these institutions lavishly. Elite universities receive billions in federal grants and contracts every year. Taxpayers subsidize the student loans that pay rapidly rising tuition rates. These schools have also amassed enormous endowments that receive supremely favorable tax treatment.

There is a foreign influence problem as well. Elite universities accept billions in foreign gifts and contracts, including from countries with interests antithetical to ours. Some of these institutions enroll higher numbers of foreign students from wealthy families, who generally pay full freight, than they do low-income Americans. A small number of those students welcomed from overseas have led hateful and unlawful protests in breach of the terms of admissibility attached to their student visas.<sup>7</sup> <sup>8</sup> And yet, to ensure that foreign students involved in the disruptions do not have their visas revoked, universities, including MIT, have refused to enforce their disciplinary policies evenly.<sup>9</sup>

### **The Campus Antisemitism Complex: Radical Faculty, Activist Students, and DEI**

I have come to the view that are three main drivers of campus antisemitism: anti-Zionist faculty; radical students and the pro-Hamas student groups they lead; and the diversity, equity and inclusion (DEI) programs that now suffuse elite institutions.

The “Studies” disciplines are generally ground zero for anti-Zionist and pro-Boycott, Divestment, and Sanction (BDS) faculty. They make Jew-hatred appear respectable to impressionable students through their research, teaching, and the events they host. Careful research has shown that the presence of anti-Zionist and pro-BDS faculty is associated with higher levels of student-on-student harassment and violence targeting Jews.<sup>10</sup> Even in small numbers, antisemitic faculty can reshape the conversation relating to Israel and Arab Palestinians. They have been receiving lavish financial support toward that end from foreign states and entities for almost fifty years.<sup>11</sup>

Student activists—many of them studying on non-immigrant visas—are the second major driver. They matriculate determined to warp the conversation on all matters related to Israel and Arab Palestinians. Elite universities make immense effort to recruit foreign students in the name of diversity and multiculturalism but also because they generally pay full tuition. The student organizations they operate on campuses—Students for Justice in Palestine (SJP), American Muslims for Palestine, and similar groups—are coordinated by national chapters and responsible for much of the antisemitic activity on campus.<sup>12</sup>

The third main contributor to the new Left antisemitism is atmospheric: the radical diversity, equity, and inclusion (DEI) ideology that now suffuses every aspect of campus life at elite schools.<sup>13</sup> DEI is not about ensuring that underprepared students have the support they need to succeed in educational programs that promise a high return on investment (Universities should do more of that). DEI’s real priorities are drawn from critical race theory. DEI aims to use the university to reengineer American society away from its founding ideals—equality before the law and equal treatment according to individual merit—to advance a neo-Marxist social justice ideology.<sup>14</sup>

It does this by obsessively teaching a worldview common to critical race theory, intersectionality, and postcolonial studies: that the world is made up of virtuous victims suffering under evil oppressors. It thereby primes students to make snap judgments about each other—and society—based on skin color and identity group stereotypes. Jews are coded as the oppressors by virtue of their political and economic success. This creates the permission structure for activists to cheer barbaric Hamas terrorists. Jay Green and James Paul have confirmed the strong anti-Israel bias among campus DEI administrators; their review of the X (Twitter) accounts of 741 DEI staff members at 65 “Power Five” universities found that 96% of their posts (tweets) about Israel were critical of the Jewish state.<sup>15</sup>

These attitudes are “in the air” thanks to DEI spending that can reach into the tens of millions annually. Major universities that have divulged the figure acknowledge spending more than \$25 million per year.<sup>16 17 18</sup> That’s more than a quarter billion dollars over the course of a decade. These resources are used by the DEI administrative complex to reshape every aspect of the university, from hiring and tenure policies, to the curriculum and mandatory trainings, to strategic plans and spending priorities, to admissions policies and bias response teams. Their strategy is to create positive and negative campuswide incentives that reward activism and punish dissent from the new orthodoxy.

The DEI armies are huge: more than 150 full time and contract staff at the University of California--Berkeley (plus 935 part time and student employees),<sup>19</sup> 311 positions in the University of Texas system (before the state legislature dismantled DEI offices last year),<sup>20</sup> and at least 132 personnel lines at the Ohio State University.<sup>21</sup> The explosive growth of DEI parallels out-of-control administrative spending, which is growing much faster than spending on instruction—even though increasing instructional expenditures is more strongly associated with improved graduation rates.<sup>22</sup> An academic study focused on the growing *number* of administrators put the scope of the transformation into perspective: Between 1976 and 2018, the number of executive-level administrators increased 164%, while the number of other professional staff increased 452% (Student enrollment was up 78% and the full-time faculty grew by 92% over the same period.)<sup>23</sup> All of this is subsidized by American taxpayers.

### **University Endowments**

Universities report data about their finances, enrollment and student characteristics, program offerings, academic outcomes, and more to the National Center for Education Statistics (NCES) at the U.S. Department of Education (ED). NCES maintains the Integrated Postsecondary Education Data System (IPEDS), which is regularly updated as higher education institutions certify the accuracy of their data submissions.

According to IPEDS, the total value of university endowments for fiscal year 2022, the most recent year for which figures are available, is \$887 billion. Private endowments make up most of that sum, about \$607 billion, while the war chest amassed by public schools was north of \$280 billion.<sup>24</sup> The vast majority of the wealth held by private universities is concentrated in a small subset of elite institutions. Drawing the line at \$100,000 per full time equivalent (FTE) student at private institutions narrows the group to about 300 schools. The combined value of their endowments for FY2022 was \$548 billion dollars. These endowments generate impressive returns in good years, and FY2022 was one of them: According to IPEDS, endowment net investment return at these schools totaled almost \$143 billion.<sup>25</sup> At present, endowment income is subject to a small 1.4% tax, but only at private institutions with more than 500 students and endowments valued at more than \$500,000 per FTE student.

Universities with the largest endowments are also those that made headlines for tolerating the establishment of unlawful, pro-Hamas, encampments and for arrests of pro-Hamas demonstrators. The table below shows that all but one of the 12 wealthiest private universities in the country (Duke) experienced a disruptive campus encampment or saw campus protestors arrested.<sup>26</sup>

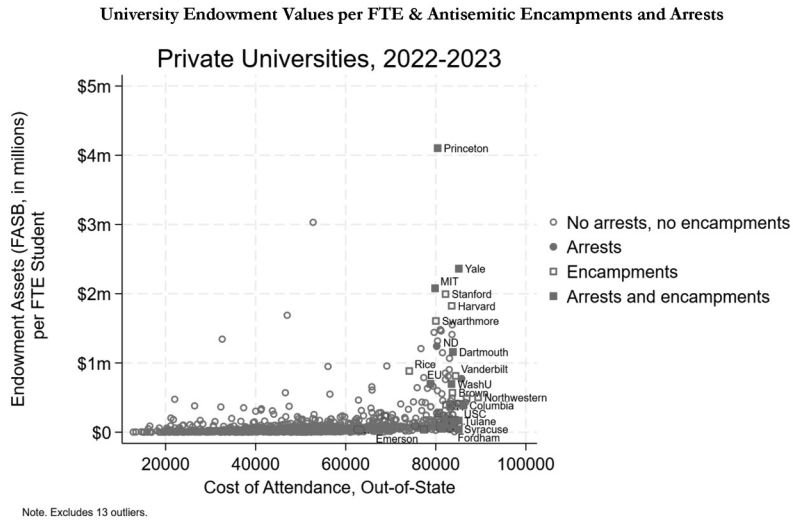
**Top 12 Private University Endowments by Value of Assets & Campus Encampments/ Arrests**

IPEDS UnitID	Institution Name	Value of endowment assets at the end of FY 2022	Endowment net investment return (FY 2022)	Per FTE Endowment value	Campus Encampment	Campus Arrests
166027	Harvard University	\$53,165,753,000	\$12,832,703,000	\$2,001,270.53	Yes	
130794	Yale University	\$42,282,852,000	\$12,052,824,000	\$2,854,827.63	Yes	52
243744	Stanford University	\$37,788,187,000	\$8,761,609,000	\$2,310,356.26	Yes	
186131	Princeton University	\$37,026,442,000	\$11,883,451,000	\$4,701,173.44	Yes	15

166683	MIT	\$27,394,039,000	\$9,588,633	\$2,471,493.96	Yes	10
215062	Univ. of Pennsylvania	\$20,523,546,000	\$5,823,018,000	\$817,378.07	Yes* <sup>27</sup>	33
152080	University of Notre Dame	\$18,385,354,000	\$6,335,903,000	\$1,343,663.96		17
190150	Columbia University	\$14,349,970,000	\$3,364,720,000	\$504,658.70	Yes	217
179867	Washington University	\$13,668,081,000	\$6,113,196,000	\$851,222.58	Yes	100
198419	Duke University	\$12,692,472,000	\$4,493,547,000	\$779,875.39		
139658	Emory University	\$12,218,692,520	\$3,030,013,080	\$803,121.63	Yes	28
147767	Northwestern Univ.	\$11,361,182,000	\$3,066,809,000	\$536,461.52	Yes	

Source: IPEDS, “Value of endowment assets at the end of the fiscal year” and “Endowment net investment return”

If we plot the 111 universities in this category (antisemitic encampments or protesters arrested) in the universe of 995 private four-year institutions that report a total cost of attendance in IPEDS, we find that antisemitic encampments and arrests are concentrated at the nation’s wealthiest and most expensive institutions.



### **Federal Grants and Contracts**

The federal government’s investment in scientific research at U.S. colleges and universities is immense. Of the \$98 billion in higher education research and development conducted in science and engineering fields in 2022, \$54 billion was funded by the federal government.<sup>28</sup> This supports research that returns value to taxpayers. But federal grants also provide lavish “indirect cost reimbursements” (also known as facilities and administration, or F&A, reimbursement), awarded on top of the direct cost of conducting the research. Some of this no doubt pays for essential expenses:

research equipment, maintenance, research-related capital improvement, etc. But this pool of funding (billions in taxpayer money) can be spent on almost anything and inevitably finances administrative bloat on elite campuses—including the enormous DEI bureaucracies.

In an important study, Jay Greene and John Schoof found that the average federal F&A rate at 85 research-intensive universities (weighted by total federal funding) is 58.3%.<sup>29</sup> At Harvard, the federal rate is 69%. The federal government pays these extraordinary premiums while accepting much lower F&A rates, generally ranging from 0-15%, from nongovernmental grant makers.<sup>30</sup> This means that the federal government is effectively subsidizing the research priorities of private foundations and private sector funders.

Greene and Schoof propose a market-based solution: “Federal grant-awarding agencies should not pay an indirect rate that is higher than the lowest rate that is accepted from private organizations, such as foundations and businesses.”<sup>31</sup> Congress could also consider capping F&A reimbursement at a fixed rate—perhaps indexed to research intensity and output. A third option would require universities to provide an itemized accounting of the indirect cost reimbursement necessary to conduct the research as part of any grant application submitted to a federal funding agency. Dr. Richard Vedder, an economist at the University of Ohio, has explained that this solution would allow granting agencies to consider the total anticipated cost of the research project (in addition to its scientific merit) when determining which institution should receive the award.<sup>32</sup> Why not ask universities to compete on price?

Renewed attention to federal research funding and indirect cost reimbursement rates is urgent given that the universities receiving the largest sums also tend to be those that have tolerated disruptions of campus operations and harassment targeting Jewish students. All but one of the top 12 private university recipients of federal grants and contracts by volume had antisemitic encampments and/or arrests on their campuses this Spring.

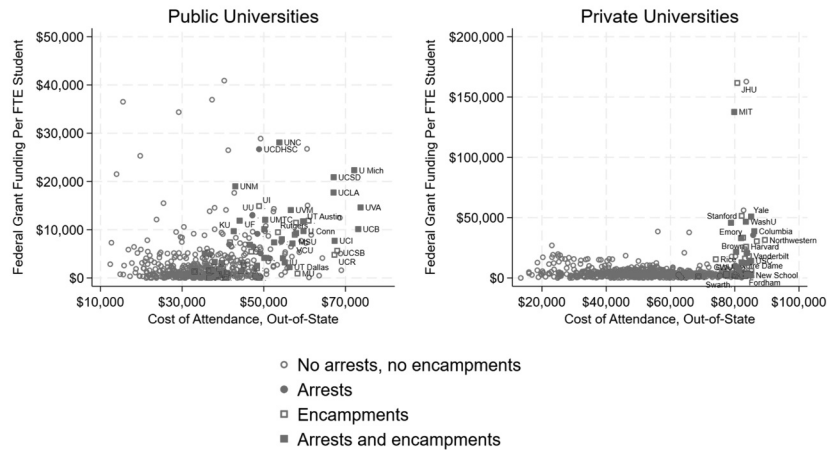
**Top 12 Recipients of Federal Grants and Contracts by Volume  
among Private Universities & Antisemitic Encampments and Arrests**

IPEDS unitid	Institution Name	Federal Grants and Contracts (FY22)	Campus Encampment	Campus Arrests
162928	Johns Hopkins University	3,619,404,000	Yes	
166683	Massachusetts Institute of Technology	1,611,946,000	Yes	10
190150	Columbia University	1,194,510,000	Yes	217
198419	Duke University	990,886,000		
243744	Stanford University	899,725,000	Yes	
215062	University of Pennsylvania	899,295,000	Yes <sup>27</sup>	33
130794	Yale University	743,351,641	Yes	52
179867	Washington University in St. Louis	725,683,610	Yes	100
193900	New York University	695,008,075	Yes	37
147767	Northwestern University	653,671,000	Yes	
123961	University of Southern California	644,910,000	Yes	93
166027	Harvard University	642,146,000	Yes	

Source: IPEDS, “Federal grants and contracts” FY 2022

The scatterplots below demonstrate that universities with antisemitic encampments and arrests cluster at schools (more tightly at privates than publics) that are both expensive to attend and that receive high levels of public funding through federal grants and contracts (in per FTE student terms).

**Federal Grants and Contracts per FTE student & Antisemitic Encampments and Arrests**



Note. Excludes 9 public and 3 private universities outliers.

### **Foreign Gifts**

Concerns about Mideast “influence” on U.S. campuses go back decades. As the *New York Times* reported in 1978, “Oil wealth from the Middle East is starting to flow onto college and university campuses throughout the country, bringing a bonanza of endowed chairs and new programs.”<sup>33</sup> That initial flood of Mideast money to U.S. campuses—and specific concerns about gifts to Georgetown University’s Center for Contemporary Arab Studies<sup>34</sup>—led to the establishment of foreign gift reporting requirements in 1986.

Section 117 of the Higher Education Act requires universities to report foreign gifts above \$250,000. Unfortunately, weak enforcement by the Department of Education allowed many universities to ignore the requirement. That changed in 2019 when Secretary Betsy DeVos initiated non-compliance investigations at several of the country’s top universities. In 2023 congressional testimony, Paul Moore, chief investigative counsel at the department during the Trump Administration, described the sea change that followed: “enhanced enforcement... produced dramatic results,” including the “disclosure of more than \$6.5 billion in previously undisclosed foreign gifts and contributions.”<sup>35</sup>

The Institute for the Study of Global Antisemitism and Policy, which analyzed the updated disclosures for 2014–2019, found that more than \$2.7 billion in gifts came from Qatari sources, \$1.2 billion came from Chinese entities, and more than \$1 billion originated in Saudi Arabia.<sup>36</sup> Instead of continuing to scrutinize the purpose and effect of those gifts, the Biden Administration closed outstanding Section 117 investigations in 2022 and moved enforcement from the Office of the General Counsel to the Office of Federal Student Aid.<sup>37</sup>

Foreign entities invest in U.S. universities for many reasons, including to access sensitive technology and to gain influence over cutting-edge researchers.<sup>38 39</sup> When it comes to reshaping the campus marketplace of ideas, however, gifts to Middle East Studies Centers have paid off. A 2022 report by the National Association of Scholars, *Hijacked*, looked at more than 50 such centers and concluded that they produce “biased material that promotes the political interests of the donors.”<sup>40</sup> The 2019 Department of Education study put a finer point on it, noting that Saudi Arabia has advanced “Islamic ideology... through multimillion-dollar donations to elite Western institutions” since 9/11 and uses the gifts to project “soft power.”<sup>41</sup>

These centers are ground zero for Jew Hatred in the academy today. An AMCHA Initiative study of anti-Zionist and BDS-supporting faculty found that 70% are associated with Ethnic, Gender, or Middle East Studies departments (They sponsor almost 90% of events containing anti-Zionist or pro-BDS rhetoric.) The presence of anti-Zionist faculty, in turn, is associated with significantly higher levels of student-on-student harassment, including “incidents that target Jewish students for harm.”<sup>42</sup> The ISGAP study reached the same conclusion, finding “a correlation between the existence of undocumented funding and incidents of targeted antisemitism.”<sup>43</sup>

AFPI totaled the funding received from entities in Saudi Arabia and Qatar by the 111 universities with pro-Hamas encampments and arrests in the Department of Education’s Section 117 database going back two decades.<sup>44</sup> In all, those institutions reported more than \$1.8 billion from sources in Saudi Arabia and more than \$3.2 billion from sources in Qatar. The twelve schools that received the most from Saudi and Qatari entities have amassed astonishing sums since 2014, the year recordkeeping improves significantly.

**Largest Recipients of Grants and Contracts from Saudi Arabia and Qatar  
Among Schools with Encampments or Arrests**

Institution Name	Gifts from Saudi Arabia & Entities Since 2014	Gifts from Qatar & Entities Since 2014	Total
Cornell University	\$3,557,426	\$1,782,713,582	\$1,786,271,008
Northwestern University	\$19,692,017	\$485,749,312	\$505,441,329
Virginia Commonwealth University	\$9,990,273	\$248,744,398	\$258,734,671
George Washington University	\$117,186,182	\$2,130,205	\$119,316,387
Pennsylvania State University	\$133,813,715	\$2,059,210	\$135,872,925
Massachusetts Institute of Technology	\$110,991,770		\$110,991,770
University of Southern California	\$106,525,343	\$3,541,463	\$110,066,806
Harvard University	\$49,187,485	\$16,788,076	\$65,975,561
Arizona State University Campus Immersion	\$80,839,457	\$3,088,749	\$83,928,206
University of Colorado Denver/Anschutz Medical Campus	\$41,205,442	\$12,147,353	\$53,352,795
Tufts University	\$21,947,745		\$21,947,745
Stanford University	\$47,281,447	\$1,826,857	\$49,108,304

Source: U.S. Department of Education, Section 117 Foreign Gift and Contract Reporting Database<sup>45</sup>



The House of Representatives passed well-conceived legislation to address problems relating to foreign gifts last year. H.R. 5933, the DETERRENT Act, lowers the reporting threshold to \$50,000 and creates new penalties for noncompliance, and it establishes a mechanism by which gifts from countries of concern can be cut off. Perhaps most importantly, it requires universities to disclose the purpose of foreign gifts to the U.S. Department of Education. This would bring increased transparency and enable those scrutinizing the disclosures to differentiate between gifts for wholesome purposes from those designed to exert foreign influence on U.S. campuses.

### **Foreign Students**

According to Department of Homeland Security (DHS) data, there were 1,503,649 active student visa records in the U.S. in calendar year 2023, a figure that includes 160,627 post-graduates who remained in the country to work with optional practical training status (OPT).<sup>46</sup> Most U.S. colleges and universities enroll a modest number of foreign students. 4,027 schools had total foreign enrollment counts under 50 students. More selective schools can drive those numbers up. 301 universities enrolled more than 1,000 foreign students each in 2023 (13 of which enrolled more than 10,000).<sup>47</sup>

Foreign students raise complicated issues for policymakers. To be sure, many benefit U.S. campuses by their contributions in the classroom and research labs—and they benefit their home countries with the knowledge, skills, and attitudes with which they return home. We also know from press reports and analysis of social media accounts, however, that foreign students have been prominent among the antisemitic encampments and that they often lead pro-Hamas campus organizations that have been at the center of antisemitic disruptions.<sup>48</sup>

Institutional leaders can do much more to counteract foreign students' role in fueling campus antisemitism: They can improve programs to educate foreign students about the campus norms and expectations, they can enforce their disciplinary policies evenly, they can audit academic programs for anti-Israel bias, and they can take much more care not to matriculate students who have espoused support for Hamas. Unfortunately, university leaders have shown little interest in taking these steps. Congress can prompt them to take the problem seriously by developing new accountability structures and insisting on renewed attention to civil rights enforcement. Separately, DHS should use existing authority to increase scrutiny of students on visas who may have triggered grounds of inadmissibility.

The chaos on campus this spring brought attention to the sheer size of foreign student enrollments at elite U.S. universities. Of the 111 U.S. universities with antisemitic campus encampments or arrests in the spring term, 20 have student bodies consisting of more than 20% foreign students (13 campuses surpass 25%).

**Universities with Campus Encampments or Arrests with over 25% Foreign Students**

IPEDS unitid	Institution Name	Total Headcount Nonresident Students (2022) <sup>49</sup>	Total (12-month) Headcount	% Nonresident Students	% of First Time Students Eligible for Pell (2022)
190150	Columbia University	13881	37368	37	19
193654	The New School	3906	11607	34	16

167358	Northeastern University	11949	37702	32	18
193900	New York University	20015	64528	31	24
166683	MIT	4006	12923	31	18
143048	School of the Art Institute of Chicago	1166	3843	30	20
144050	University of Chicago	6147	20814	30	15
195030	University of Rochester	3853	13405	29	16
179867	Washington University	4925	18783	26	17
243744	Stanford University	5316	20490	26	19
227757	Rice University	2233	8782	25	17
190415	Cornell University	6486	26304	25	19
166027	Harvard University	9706	39374	25	19

Source: IPEDS, “U.S. Nonresident men and women enrolled for credit during the 12-month reporting period” FY 2022<sup>50</sup> and “Percent of full-time first-time undergraduates awarded Pell grants” FY 2022.

This analysis raises a more difficult general question: Have elite U.S. universities overprioritized educating foreign students, given the massive taxpayer investment in higher education? Most would probably agree that it would be hard to justify extending federal subsidies or favorable tax treatment to a university with 100% foreign student enrollment. Drawing a line at a particular point is more complicated. Given that the main problem seems to be that elite universities have strong financial and ideological incentives to recruit wealthy foreigners onto campus, perhaps the time has come to explore policy reforms that restructure those incentives—so that schools that place greater emphasis on educating American students are rewarded for it. It is striking, indeed, that some elite U.S. universities educate more foreign students than Pell-eligible Americans. An analysis that balances America’s interest in attracting foreign talent to our campuses against the opportunities missed by neglecting to enroll U.S. students who would also benefit from the opportunity is long overdue.

### Conclusion

Public confidence in higher education was cratering even before violent campus uprisings put the national spotlight on Jew hatred at elite American universities. Unfortunately, the drivers of antisemitism are deeply entrenched, and the problem can be expected to get worse if nothing changes. Given the demonstrated reluctance of universities leaders to make necessary reforms at the campus level, new accountability structures will be necessary to create stronger incentives. Immense public investment in higher education rightly makes this an important subject for congressional oversight; it also gives the Congress several powerful policy levers to effect positive change.

## End Notes &amp; References

- <sup>1</sup> Throughout, our discussion of 111 schools that saw antisemitic encampments or arrests relies on the *New York Times*' running list of campuses with arrests, which we combined with the *Chronicle of Higher Education*'s list of university encampments. Sonel Cutler and Alecia Taylor, "Here's Where Student Protesters Are Demanding Divestment from Israel," *The Chronicle of Higher Education*, April 23, 2024, (updated May 6, 2024), <https://www.chronicle.com/article/heres-where-student-protesters-are-demanding-divestment-from-israel>. See also "Where Protestors on U.S. Campuses Have Been Arrested or Detained," *The New York Times*, May 30, 2024, update, <https://www.nytimes.com/interactive/2024/us/pro-palestinian-college-protests-encampments.html>.
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- <sup>6</sup> Defense of Freedom Institute for Policy Studies, "Coalition letter to Secretary Cardona re: Anti-Semitic Harassment at Postsecondary Institutions and the U.S. Department of Education's Grant Programs and Enforcement of Federal Civil Rights Law," December 7, 2023, <https://dfipolicy.org/wp-content/uploads/2023/12/Coalition-Letter-Antisemitism-Title-VI-12.07.2023.pdf>.
- <sup>7</sup> Chad Wolf, "Crack down on student visas to calm campus antisemitism — and quell terror attacks," *New York Post*, May 29, 2024, <https://nypost.com/2024/05/29/opinion/crack-down-on-student-visas-to-calm-campus-antisemitism/>.
- <sup>8</sup> As former acting Secretary of Homeland Security Chad Wolf, writing with Robert Law, explained in an AFPI issue brief, the unlawful protests we witnessed this spring "have resulted in assaults on law enforcement, property damage, violations of university policies, and the hurling of antisemitic slurs. The foreign students participating in these acts have likely breached the terms of their student visas, including triggering the grounds of inadmissibility for (1) committing crimes involving moral turpitude, (2) espousing or providing support of terrorist activities, (3) adversely affecting U.S. foreign policy, and (4) misrepresenting facts in the visa process." <https://americafirstpolicy.com/issues/america-first-reforms-to-foreign-student-visas>, p.3. Chad Wolf and Robert Law, *America First Reforms to Foreign Student Visas*, (America First Policy Institute, 2024), at 3, <https://americafirstpolicy.com/issues/america-first-reforms-to-foreign-student-visas>.
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- <sup>15</sup> Jay P. Greene, PhD and James D. Paul, *Inclusion Delusion: The Antisemitism of Diversity, Equity, and Inclusion Staff at Universities* (The Heritage Foundation, 2021), <https://www.heritage.org/education/report/inclusion-delusion-the-antisemitism-diversity-equity-and-inclusion-staff>.
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- <sup>25</sup> IPEDS, "Endowment net investment return" FY 2022.
- <sup>26</sup> See footnote 1.
- <sup>27</sup> The *Chronicle of Higher Education* dataset does not include the encampment at the University of Pennsylvania. We have added it to the summary tables because it has been widely publicized and meets the criteria described for inclusion in their list.
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- <sup>30</sup> Ibid.
- <sup>31</sup> Ibid.
- <sup>32</sup> U.S. House of Representatives, *Examining the Overhead Cost of Research: Joint Hearing Before the Committee on Science, Space, and Technology, Subcommittee on Research and Technology, and Subcommittee on Oversight*, 115th Cong., 1st sess., 2017, <https://www.govinfo.gov/content/pkg/CHRG-115hhrg25470/html/CHRG-115hhrg25470.htm>.
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- <sup>37</sup> Moore, p. 6.
- <sup>38</sup> U.S. Department of Education, "Institutional Compliance with Section 117 of the Higher Education Act of 1965," Oct. 2020, <https://www2.ed.gov/policy/highered/leg/institutional-compliance-section-117.pdf>.
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- <sup>40</sup> Neetu Amold, "Hijacked: The Capture of America's Middle East Studies Centers," National Association of Scholars, Oct. 2022, [https://www.nas.org/storage/app/media/Reports/Hijacked/Hijacked\\_Capture\\_of\\_Americas\\_MESC.pdf](https://www.nas.org/storage/app/media/Reports/Hijacked/Hijacked_Capture_of_Americas_MESC.pdf).
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- <sup>42</sup> Beckwith and Rossman-Benjamin, p. 2.
- <sup>43</sup> Institute for the Global Study of Antisemitism, p. 13.
- <sup>44</sup> Department of Education, "College Foreign Gift and Contract Report," February 13, 2024, report, <https://sites.ed.gov/foreigngifts/>.
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- <sup>47</sup> Ibid., p. 13.
- <sup>48</sup> Maham Javaid, "For international students, protesting on campuses has higher stakes," *Washington Post*, May 3, 2024, <https://www.washingtonpost.com/nation/2024/05/03/international-students-campus-protest-visas/>. See also, Canary Mission, "Students," <https://canarymission.org/students>.
- <sup>49</sup> This figure does not include post-graduate OPT students because they are no longer enrolled for academic credit. DHS figures are higher than IPEDS figures because OPT workers' immigration records are tied to their school. For example, NYU has 24,921 active SEVIS records, Northeastern University counts 23,711, and Columbia has 22,982. Department of Homeland Security, "2023 Top 500 F-1 Schools by Number of Active SEVIS Records," [https://www.dhs.gov/sites/default/files/2024-05/24\\_0510\\_hsi\\_sevp-sevis-btn-2023-top500-f1-schools.pdf](https://www.dhs.gov/sites/default/files/2024-05/24_0510_hsi_sevp-sevis-btn-2023-top500-f1-schools.pdf), p. 1.
- <sup>50</sup> Another common way to count students is to look at Fall enrollment. Fall enrollment figures are slightly lower than the 12-month unduplicated headcount. The same thirteen universities had nonresident enrollments surpassing 25%.

Chairman SMITH. Thank you.  
Mr. Marcus.

**STATEMENT OF THE HON. KENNETH L. MARCUS, FORMER  
TRUMP APPOINTEE AS U.S. SECRETARY OF EDUCATION FOR  
CIVIL RIGHTS, FOUNDER AND CHAIRMAN OF THE LOUIS D.  
BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW**

Mr. MARCUS. Chairman Smith, Ranking Member Neal, distinguished members of the committee, thank you for inviting me to join you. I am Kenneth L. Marcus, chairman of the Louis Brandeis Center for Human Rights Under Law and former assistant secretary of education for civil rights.

Over the last 20 years I have been fighting antisemitism on college campuses, but never seen anything like what we have experienced since October 7. Even in the year prior to October 7, we saw record levels of antisemitism on college campuses. In the three weeks following October 7 we saw as many incidents reported to us as in the prior record-breaking year.

Over the time since then, and in particular since this committee had its last hearing, what we have seen is a spreading of the extreme and violent situation on a handful of campuses throughout this country. While there are elite institutions such as Harvard and Berkeley that have been in the news, the fact is that we are seeing problems even at institutions that had previously seen none of them. We are seeing a kind of perfect storm of student violent extremism, professorial politicization, undisclosed foreign funding, and often feckless and weak administration. This is happening all over the country to the extent that I would say it is a crisis that needs to be dealt with.

Most of these institutions are tax exempt, and need to be held accountable if they do not meet the requirements of their tax-exempt status. That is true of the universities, and also of some of the organizations that have been fomenting hatred.

My former agency, the U.S. Department of Education's Office for Civil Rights, has a central role in addressing this campus antisemitism. During this Administration they have done some things right. The National Strategy from the White House raised awareness of the issue. There has been transparency and also, I would say, a number of cases open, some of them in a timely manner.

At the same time, we have seen no significant policy advances. We have seen extremely slow enforcement of campus antisemitism cases. We have seen tools available to the agency that are not being used, such as the possibility of proactive compliance reviews, proactive agency-directed investigations, the possibility of joint investigations by OCR and the Department of Justice, which has been used in prior administrations and could be used here. Lots of different tools that are available that aren't being used, and we would like to see that changed.

Beyond that, beyond that, we have seen good cases being dismissed in ways that appear to deviate from the law. For example, cases that are being dismissed under rule 110(h) of the OCR manual, which allows dismissal in some class actions, but which has been used for dismissals in some non-class action cases. In other

words, we are not seeing the sort of enforcement that we would like to see.

In fairness, the Education Department doesn't have all of the tools that it could use. While it does have the ability to deny all foreign—all Federal funds to an institution, that is a remedy that is not necessarily sufficient because it is used so rarely, if ever at all. It would certainly be helpful if additional remedies were available to address recalcitrant institutions that permitted hostile environments.

This House of Representatives did good work when it passed the Antisemitism Awareness Act. The fact is that one of the greatest problems for universities, and also for the Federal Government, is an inability to determine when incidents can be considered antisemitism and when they aren't. The Antisemitism Awareness Act, if enacted into law, would be a big step.

But there are other problems that are still unaddressed. One of the most disturbing problems that we have seen is that when Jewish students try to report antisemitism through university grievance programs, they often face retaliation. They are often accused of other sorts of incidents, and those accusations are taken seriously. Retaliatory claims and counterclaims have to be addressed, as well.

Beyond that, we need to look at joint compliance, national initiatives, and investigation into those groups that have at least the appearance of potentially advancing terrorism. Any university that has a student organization that has indicated a potential support for terrorism should be investigating it. And to the extent that isn't happening, it should be done by the United States Federal Government.

Given the importance of tax-exempt status for institutions that receive it, I think that it is entirely welcome that this committee is looking into this issue, and that there is room for strengthening the protections that we have for our students.

I thank this committee for its attention, and thank you for including me in this hearing.

[The statement of Mr. Marcus follows:]

TESTIMONY OF HON. KENNETH L. MARCUS  
FOUNDER AND CHAIRMAN  
THE LOUIS D. BRANDEIS CENTER FOR HUMAN RIGHTS UNDER LAW  
"CRISIS ON CAMPUS: ANTISEMITISM, RADICAL FACULTY, AND THE FAILURE OF  
UNIVERSITY LEADERSHIP" TESTIMONY  
BEFORE THE UNITED STATES HOUSE COMMITTEE ON WAYS AND MEANS  
JUNE 13, 2024

CHAIRMAN SMITH, RANKING MEMBER NEAL, AND MEMBERS OF THE  
COMMITTEE ON WAYS AND MEANS:

I am honored to appear before you today at this hearing on “Crisis on Campus: Antisemitism, Radical Faculty, and the Failure of University Leadership.”<sup>1</sup> My name is Kenneth L. Marcus. I am the Chairman of the Louis D. Brandeis Center for Human Rights Under Law, which I founded to advance the civil and human rights of the Jewish people and promote justice for all. Our primary focus is anti-Semitism on and off college campuses. Additionally, I am a former Assistant U.S. Secretary of Education for Civil Rights, Staff Director of the U.S. Commission on Civil Rights, and General Deputy Assistant Secretary of Housing and Urban Development for Fair Housing and Equal Opportunity.

Over the last decade, the Brandeis Center has tracked anti-Semitic incidents on college campuses, provided legal representation and support to Jewish students, and demanded that university administrators uphold their legal obligation to protect students’ civil rights. Jewish students are entitled to the same rights and protections as their classmates. What we have witnessed over the last eight months has been heinous. Jewish students have been physically assaulted, forced to hide in their dorms, and forced to leave campus altogether for their own safety. Based on the weak response from university administrators, these students have reason to doubt that they will be protected while on campus.

The national breadth, violent extremism, and sheer monstrosity of these attacks – which began in response to the Hamas atrocities of October 7, 2023 – suggest that we are dealing with something very different than what we have ever seen before. These are not mere demonstrations

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<sup>1</sup> Brandeis Center Director of Policy Education Emma Enig provided research assistance for this testimony.



of political viewpoints. Nor are they just discrete if unpleasant expressions of hate. This is a national crisis revealing profound rot at the heart of our most prestigious collegiate institutions.

On countless campuses throughout every part of the United States, Jewish students face physical assault, verbal threats, and online attacks. At the University of California Berkeley, for example, a Jewish undergraduate student draped in an Israeli flag was struck in the head with a metal water bottle during a pro-Hamas rally on campus. A Jewish prayer service was disrupted by pro-Palestinian protesters and rallies blocked the main entrance to campus. Students participating in pro-Hamas rallies on campus have spouted hatred and threats against Jews, harassed Jewish students, demanded the dismantling of Israel, honored Hamas “martyrs” who were killed while butchering Jewish civilians, and chanted phrases such as “intifada, intifada,” condoning violence against Jews, and “from the river to the sea, Palestine will be free,” calls for the elimination of Israel and the eradication of the seven million Jews that live there.<sup>2</sup>

At Harvard University, a mob swarmed and surrounded a Jewish student, and began physically accosting him and yelling in his face. The student pleaded with them to stop but the assailants grabbed him, pushed him, and he was physically attacked until he was able to escape. Harvard’s student message boards are filled with vile anti-Semitic slurs, threats and conspiracy theories, including calls for Jews to “cook” and the Harvard Hillel to “burn[ ] in hell.” And it’s not just individual students who post anti-Semitic propaganda, but student groups and faculty members too.<sup>3</sup>

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<sup>2</sup> “Brandeis Center Sues UC Berkeley for ‘Longstanding, Unchecked Spread of ANTI-SEMITISM’ - Brandeis Center.” The Brandeis Center, November 28, 2023. <https://brandeiscenter.com/brandeis-center-sues-uc-berkeley-for-longstanding-unchecked-spread-of-anti-semitism-11-28-23/>.

<sup>3</sup> “Harvard Sued for Tolerating Rampant and Pervasive ANTI-SEMITISM - Brandeis Center.” The Brandeis Center, May 22, 2024. <https://brandeiscenter.com/harvard-sued-for-tolerating-rampant-and-pervasive-anti-semitism/>.

At Ohio State University, a group of Jewish students were violently assaulted and punched in the face, one suffering a broken nose and one a broken jaw, after being identified as Jewish and being called “Zionist kike.” Jewish students seeking signatures for a petition against antisemitism were confronted by a man saying he wanted to “kill Jews,” a Shabbat dinner at the campus Hillel was interrupted by pro-Palestinian protesters, and Jewish students’ doors were vandalized.<sup>4</sup>

These are just a few examples that have precipitated lawsuits and complaints filed with the Department of Education’s Office for Civil Rights (OCR), but they share a common problem: student misbehavior and feckless administrator responses. Administrators have the duty to protect their Jewish students under Title VI, and failure to do so may result in loss of federal funding. Despite the seriousness of this penalty, many universities seem unabashed. This may be attributed to administrators’ inability to identify anti-Semitism or properly handle internal complaints but is also likely a result of OCR’s slowness when it comes to resolving complaints.

The current crisis may be understood as a perfect storm of student radicalism, professorial extremism, academic politicization, foreign funding, and administrative neglect. Many university presidents have lacked the moral clarity to promptly *condemn* these incidents, but the fact is that administrations have effectively *created* the conditions in which they have been unavoidable. Students were specifically admitted, in some cases, based on their desire to engage in “social justice” protest activities, rather than on their academic merit.<sup>5</sup> They are

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<sup>4</sup> “StandWithUs, ADL & Brandeis Center File Title VI Complaint Against Ohio State, Alleging Pervasive Antisemitic Climate for Jewish Students.” The Brandeis Center, April 9, 2024. <https://brandeiscenter.com/wp-content/uploads/2024/01/American-University-Title-VI-Complaint.pdf>.

<sup>5</sup> Gecker, Jocelyn. “College Protesters Want ‘amnesty.’ at Stake: Tuition, Legal Charges, Grades and Graduation.” AP News, April 29, 2024. <https://apnews.com/article/student-protest-gaza-war-arrest-amnesty-ae235703d6a9b99114078fca13a530a0f>.

encouraged by radical faculty who profess to be “exhilarated” by Hamas’s atrocities against the Jewish people.<sup>6</sup> On the morning of October 7, an Assistant Professor at Albany Law School tweeted “Long live the Palestinian resistance & people of Gaza ... The Palestinians are a beacon for us all.” That same morning, a Yale University professor of American Studies, Ethnicity, Race, and Migration Studies, and Religious Studies tweeted “Israel is a murderous, genocidal settler state and Palestinians have every right to resist through armed struggle, solidarity #FreePalestine.”<sup>7</sup> An assistant professor at the University of California, Davis encouraged violence against “Zionist journalists,” tweeting “they have houses [with] addresses, kids in school ... they can hear their bosses, but they should fear us more” followed by emojis of a knife, axe, and drops of blood.<sup>8</sup>

These professors are often employed within departments and programs that are avowedly political, focused less on disseminating knowledge than on resisting mainstream institutions. Even university-based Diversity, Equity, and Inclusion (DEI) programs, which should ameliorate these problems, seem instead to be worsening them. They often ignore anti-Semitism altogether or, worse, subject Jewish students or faculty to anti-Semitic and anti-Zionist stereotypes. The reason that universities find it so hard to condemn anti-Semitic incidents is that, in a deeply important sense, they have created them.

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<sup>6</sup> Robinson, Sofia, Tamara Kamis, and Meghna Maharishi. “Cornell Professor ‘Exhilarated’ by Hamas’s Attack Defends Remark - the Cornell Daily Sun.” The Cornell Daily Sun, October 18, 2023. <https://cornellsun.com/2023/10/16/cornell-professor-exhilarated-by-hamass-attack-defends-remark/>.

<sup>7</sup> Ben Raab, Kaitlyn Pohly. “Petition to Oust Pro-Palestine Professor for ‘promoting Lies and Violence’ Gains 25,000 Signatures in Just over a Day.” Yale Daily News, October 13, 2023. <https://yaledailynews.com/blog/2023/10/12/petition-to-oust-pro-palestine-professor-for-promoting-lies-and-violence-gains-25000-signatures-in-just-over-a-day/>.

<sup>8</sup> Clerkin, Ben. “US Professor Posts Tweet Threatening Jewish Journalists and Their Children - and Keeps Her Job.” US professor posts tweet threatening Jewish journalists and their children - and keeps her job - The Jewish Chronicle, October 20, 2023. <https://www.thejc.com/news/world/us-professor-posts-tweet-threatening-jewish-journalists-and-their-children-and-keeps-her-job-toxhh9h2>.

While the profound cultural problems in American higher education require profound cultural changes – which can only be achieved with the support of university trustees or state legislators – there are steps that can be taken now to assist Jewish students and help shore up the integrity of higher education in America. At a minimum, as we approach the new school year, it is imperative that the executive and legislative branches address these issues.

**Passage of the Antisemitism Awareness Act:** The House recently passed the Antisemitism Awareness Act, which would require the Department of Education to use the gold-standard International Holocaust Remembrance Alliance’s (IHRA) working definition of anti-Semitism and its contemporary examples. This was a huge step in ensuring that OCR has the tools necessary to appropriately recognize anti-Semitism when evaluating complaints. I hope the Senate will follow suit.

**Retaliation against Jewish students:** One of our biggest concerns for the upcoming school year is the alarming increase in retaliation against Jewish students. In some cases, those who report anti-Semitic incidents have been met with retaliatory complaints or counter-complaints. Students should be encouraged to report their abuse without fear of reprisal. OCR had the opportunity to address this problem in a recent case but failed to do so. Retaliatory complaints undermine the credibility of OCR’s complaint-resolution policies, and those of its recipients, and have the potential to drain the Department’s resources and effectiveness. The Department of Education should take immediate steps to address this issue when evaluating complaints and provide school administrators with the tools and information necessary to discern and prevent retaliatory complaints within their internal grievance processes. This should be a priority as the Department and its recipients prepare for students’ return to school.

**Unlawful dismissal of complaints by OCR:** We are also concerned about OCR’s unlawful dismissal of complaints alleging anti-Semitism. Earlier this year, OCR dismissed a complaint against the University of Pennsylvania, citing a lawsuit containing the same allegations filed in federal court.<sup>9</sup> Under Section 110(h) of OCR’s Case Processing Manual, OCR has the right to close or dismiss an allegation “where a class action with the same allegation(s) has been filed against the same recipient with state or federal court and the relief sought is the same as would be obtained if OCR were to find a violation regarding the allegation(s).” The Department has been unlawfully using this provision as a pretext to dismiss certain cases even in the absence of class action litigation. Dismissing these cases prematurely denies students the opportunity to have their matters reviewed by the Department of Education and to obtain the resolutions that their claims deserve. The recently introduced Civil Rights Protection Act of 2024 may address this issue, stating that OCR shall “not close or dismiss any complaint regarding discrimination on the basis of race, color, or national origin in violation of title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) due to the filing of a complaint involving the same allegations against the same recipients by an individual other than the complainant with another Federal, State, or local agency, a court, or the recipient, unless [OCR] determines that such other individual’s complaint is part of a class action in which the complainant is part of such class.”<sup>10</sup> The unlawful dismissal of cases is only made worse by the fact that OCR recently eliminated students’ ability to appeal dismissal of their complaints. The

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<sup>9</sup> Snyder, Susan. “Penn’s Antisemitism Case Dismissed by U.S. Education Department, Citing a Lawsuit Containing Same Allegations.” <https://www.inquirer.com>, January 17, 2024. <https://www.inquirer.com/education/university-of-pennsylvania-campus-antisemitism-investigation-20240117.html#:~:text=Penn's%20antisemitism%20case%20dismissed%20by,if%20a%20violation%20were%20found>.

<sup>10</sup> Text - H.R.8648 - 118th Congress (2023-2024): Civil Rights Protection Act of 2024, H.R.8648, 118th Cong. (2024), <https://www.congress.gov/bills/118th-congress/house-bill/8648/text/ih>.

elimination of appeal from the complaint-resolution process undermines confidence and trust in the Department and denies a long-standing history of due process.

**Increase prioritization of shared ancestry cases:** As long as the current crisis persists, OCR should prioritize opening, investigating, and resolving shared ancestry cases. The department must make these cases a priority and increase the timeliness of their handling of these cases, as more complaints with OCR are filed by Jewish students. Unfortunately, we do not expect the anti-Semitic climate on university campuses to subside by the next school year. Therefore, OCR must address its growing backlog of anti-Semitism cases while the crisis persists.

**Nationwide compliance initiatives:** There is no need for the Department of Education to wait for complaints to come in. The Secretary of Education has the authority to commence self-directed investigations and proactive compliance reviews. In the last eight months, it has become clear to (nearly) all that anti-Semitism poses a systemic threat to American campuses. University administrators need not wait for more incidents to inevitably occur. Instead, administrators should ensure that they are following federal and state law. The Department of Education has done this previously, probing schools on their handling of sexual violence in K-12 public schools and probing schools on inappropriate use of restraint and seclusion to protect children with disabilities.<sup>11</sup>

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<sup>11</sup>Meckler, Laura. "Education Department Vows Probes of How Schools Handle Sexual Violence - the Washington Post." The Washington Post, February 26, 2020. [https://www.washingtonpost.com/local/education/education-department-vows-probes-of-how-schools-handle-sexual-violence/2020/02/26/662f209c-58be-11ea-9000-f3cffe23036\\_story.html](https://www.washingtonpost.com/local/education/education-department-vows-probes-of-how-schools-handle-sexual-violence/2020/02/26/662f209c-58be-11ea-9000-f3cffe23036_story.html); Meckler, Laura. "Betsy DeVos Takes Aim at Improper Restraint of Students with Disabilities." The Washington Post, January 17, 2019. [https://www.washingtonpost.com/local/education/betsy-devos-takes-aim-at-improper-restraint-of-students-with-disabilities/2019/01/17/d468f50a-1a95-11e9-9ebf-c5fed1b7a081\\_story.html](https://www.washingtonpost.com/local/education/betsy-devos-takes-aim-at-improper-restraint-of-students-with-disabilities/2019/01/17/d468f50a-1a95-11e9-9ebf-c5fed1b7a081_story.html).

**Joint compliance by DOJ and ED:** The Department of Justice (DOJ) and OCR should perform joint anti-Semitism investigations. DOJ and OCR have teamed up to perform joint investigations and compliance reviews in the past. For example, DOJ and OCR performed a joint investigation and compliance review of the University of Montana-Missoula's handling of allegations of sexual assault and harassment.<sup>12</sup> They also performed a joint investigation of the University of California San Diego's compliance after racial discrimination and harassment claims.<sup>13</sup> Joint efforts enhance credibility and allow for resource sharing, potentially expediting the initiative.

**Investigation into material support of terrorism:** Last year, joined by the Anti-Defamation League, we urged university presidents to investigate the activities of Students for Justice in Palestine (SJP) for potential violations of the prohibition against materially supporting a foreign terrorist organization under 18 USC 2339A and B, and its state equivalents.<sup>14</sup> Numerous campus chapters have endorsed the actions of Hamas on October 7 and issued pro-Hamas messaging on campus, calling for the elimination of Israel and promoting violence and terrorism. Shortly after the massacre, SJP issued a "Day of Resistance Toolkit" declaring their affiliation with Hamas. They stated "We as Palestinian students in exile are PART of this movement, not [merely] in solidarity with this movement. This is a moment of mobilization for all Palestinians. We must act as part of this movement. All of our efforts continue the work and

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<sup>12</sup> "Title IX: Sexual Harassment: University of Montana-Missoula (MT): (10126001)." Office for Civil Rights, May 9, 2013. <https://www2.ed.gov/about/offices/list/ocr/docs/investigations/10126001.html>.

<sup>13</sup> "Department of Justice Investigation Into UCSD Concludes." The UCSD Guardian, April 19, 2012. <https://ucsdguardian.org/2012/04/19/departement-of-justice-investigation-into-ucsd-concludes/>.

<sup>14</sup> Cohen, Haley. "ADL, Brandeis Center Send Letter to University Presidents Calling on Them to Investigate SJP's Terrorism Ties." Jewish Insider, October 27, 2023. <https://jewishinsider.com/2023/10/adl-brandeis-center-send-letter-to-university-presidents-calling-them-to-investigate-sjps-terrorism-ties/>.

resistance of Palestinians on the ground.”<sup>15</sup> According to the toolkit, this resistance includes “armed struggle.” Student groups affiliating with a designated terrorist organization and promoting violence on campus should be investigated immediately.

**Remedies short of funding elimination:** While the threat of revoking federal funding from schools that do not comply with Title VI of the Civil Rights Act of 1964 should be sufficient to ensure compliance, it has not been sufficient. Instituting fines or other additional remedies may be necessary.

**Increase transparency in foreign funding:** It is no secret that universities receive large sums of money from foreign governments, but we rarely know what it is used for and what impact it has on the curriculum and campus environment. Universities have an obligation to report donations of \$250,000 or more to the Department of Education, but they sometimes fail to do so. A recent study has shown that since 1981, American universities have accepted over \$13 billion from the governments of Qatar, Saudi Arabia, the United Arab Emirates, and Kuwait.<sup>16</sup> The Department of Education must enforce existing penalties for non-compliance. Additionally, lowering the threshold on mandatory reporting, as well as increasing penalties for noncompliance, would spur greater transparency.

This is a time of crisis for American universities. To say university administrators were ill-prepared to protect their Jewish students after October 7 would be an understatement. The fact is that administrators and faculty spent years creating the conditions under which campus anti-

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<sup>15</sup> Kissel, Adam. “Resistance Toolkits Open SJP Chapters to Felony Charges in Florida.” *Minding The Campus*, October 25, 2023. <https://www.mindingthecampus.org/2023/10/25/resistance-toolkits-open-sjp-chapters-to-felony-charges-in-florida/>.

<sup>16</sup> Bard, Mitchell G. *Arab Funding of American Universities: Donors, Recipients, and Impact*, May 2024. <https://www.jewishvirtuallibrary.org/jsource/pub/Arab-Funding-of-American-Universities-2024-for-jvl-Edited-2.pdf>.



Semitism would become not only possible but unavoidable. Violent rallies, disruptive encampments, and punitive faculty members and administrators have created a hostile environment for Jewish students. Retaliatory attacks and counter-complaints against students brave enough to come forward create a climate of fear. A backlog of cases and unlawful dismissals by OCR provides little remedy for those who have suffered. It is therefore imperative that Congress and the Department of Education take action now.

Chairman SMITH. Thank you.  
 Congressman Deutch, you are recognized.

**STATEMENT OF THE HON. THEODORE "TED" DEUTCH,  
 FORMER U.S. REPRESENTATIVE (FL-22), CHIEF EXECUTIVE  
 OFFICER, AMERICAN JEWISH COMMITTEE**

Mr. DEUTCH. Chairman Smith, Ranking Member Neal, members of the committee, it is an honor to be before you to testify in this body, where I served alongside many of you for seven terms. Today I am here in my capacity as CEO of American Jewish Committee, on the heels of our global forum, where 2,000 Jewish leaders, including hundreds of young leaders from around the world, convened.

And what is happening on university campuses in the United States is the threat that everyone from all of the 55 countries represented expects us to confront, because our Jewish students and faculty are on the front lines of the battle against dangerous antisemitism.

Protests in the weeks after 10/7 featured students and faculty celebrating terror, unapologetically declaring Hamas's barbarity to be exhilarating and glorious and liberating.

Over winter break, the Jewish community held its collective breath, hoping the temperature would be turned down on college campuses. Instead, we witnessed a doubling down in the spring, as Talia and Shai both spoke powerfully to. Radical anti-Israel protesters commandeered campus quads, occupied university buildings, fomenting vile, antisemitic messaging and creating an atmosphere of harassment, intimidation, and fear for Jewish students, faculty, and staff, and disrupting normal campus activities for all campus citizens, Jewish and non-Jewish alike.

Students have been forced to walk a gauntlet on college campuses, finding alternative pathways to classes, dining halls, libraries just to stay safe. They have watched as campus events featuring Israeli speakers were canceled or moved to secret, out-of-the-way hiding spots, and they have had classes moved online because it was no longer safe for them to be on campus. And the response of many university presidents and chancellors to these events has been woefully inadequate, and completely lacking in leadership.

Jewish life on campus became narrowed, relegated to dark corners, while lawless protesters took center stage, and were allowed to remain there, despite pushing past every margin of acceptable conduct. In some cases, these radical individuals were granted a seat at the table with university boards as a reward for their blatant disregard of the rules.

It should not come as a surprise that this school year shook to the core the Jewish community's trust in institutions of higher learning. University leaders must use these summer months to confront this problem that risk permanently staining the reputations of our country's top academic institutions, and they must disabuse themselves of the notion that everything will return to normal in the coming year. Accepting antisemitism as normal is what helped get us to this place, and the news from just the past few

days confirms that the threats to the Jewish community are increasing, and we know that colleges are not immune.

Last weekend, down the other end of Pennsylvania Avenue near the White House, protesters held signs, screamed, and defaced statues with, “Stand with Hamas, Kill Another Zionist Now,” calls for jihad and death to America.

On Monday in New York, a mob celebrated the Hamas murder of over 360 people at the Nova Music Festival.

On Tuesday a masked group boarded a New York subway car and shouted, “Raise your hands if you are a Zionist.” Masked people on a subway asking, “Raise your hand if you are a Zionist, this is your chance to get out.”

And also this week, homes of Jewish employees and leadership of the Brooklyn Museum were vandalized with signs saying, “White Supremacist, Zionist.”

Every member of this committee should be sickened by this. Every member of this committee should say so publicly. This antisemitic and anti-American incitement to violence can no longer be tolerated. It must be stopped before it leads to real violence.

Is it any wonder that AJC’s most recent state of antisemitism in America shows that 78 percent of American Jews feel less safe since the attacks of 10/7? In our work with administrators and included in our tool kit for university leadership, AJC emphasizes initiatives to address antisemitism head on so that it doesn’t become permanent, which it will unless we assertively counter it with a strong, coordinated, multi-pronged approach.

With this in mind, we recommend that schools update their codes of conduct and actually enforce their own rules; include antisemitism education and training for their entire communities; return to centers of fact-based exchange; ensure the physical safety of Jewish students; and university presidents should announce that they will open title 6 compliance offices, much like they have title 9 offices.

Congress has passed—the House has passed the Antisemitism Awareness Act, and I encourage you to support and pass the Countering Antisemitism Awareness Act, which would help strengthen Federal efforts to counter antisemitism, including higher education.

There are students in your districts being told that their identity as Jews and Zionists is putting their safety at risk. Listen to them. Use your important role as a member of the U.S. House to help them.

In closing, please remember antisemitism is not just a threat to the Jewish community; it is a threat to our democracy. This moment is not just about antisemitism. It is about the society that we want to live in. We must hold schools accountable. We must protect all students, and we must work together in a bipartisan fashion and declare zero tolerance for antisemitism. We have seen throughout the history of the Jewish people where antisemitism can lead. Now is the time. Act with the urgency this moment demands.

Thank you for inviting me back to the House for this very important hearing.

[The statement of Mr. Deutch follows:]



**Congressional Testimony**

**Crisis on Campus: Antisemitism, Radical Faculty, and the Failure of  
University Leadership**

**Ted Deutch  
Chief Executive Officer  
American Jewish Committee  
(Member of Congress 2010-2022)**

**Committee on Ways and Means  
U.S. House of Representatives**

**June 14, 2024  
Washington, D.C.**

Chairman Smith, Ranking Member Neal, Members of the Committee, it is a pleasure to be before you this morning to testify in this body where I served alongside so many of you for seven terms.

Today, I am here in my capacity as CEO of American Jewish Committee, a non-partisan advocacy organization that stands up for Israel's right to exist in peace and security; confronts antisemitism, no matter the source; and upholds the democratic values that unite Jews and our allies.

I come to you today on the heels of AJC's annual Global Forum, where two thousand Jewish leaders – including hundreds of young leaders – from around the world convened just down the street to tackle the most pressing issues facing the Jewish people, America, Israel, and the world. As the culmination of our conference, some of them even met with members of this committee during our advocacy day. During the conference I sat down with AJC's Campus Global Board, which consists of students from across the world, from Harvard and Northwestern in the U.S. to the University of Cape Town and University of Amsterdam overseas. We work with these students to serve as ambassadors to effect change throughout their campuses and the global community. These amazing individuals have been forced to the front lines of countering antisemitism and what I will share with you today, I say with a heavy heart, as these students have gone through hell and back over the past eight months.

This academic year, campuses across the United States have experienced surging levels of antisemitism. Only days after the October 7th Hamas terror attacks in Israel, before Israel had made a single move to defend itself militarily against Hamas' brutal attack on Israeli civilians, anti-Israel activist groups on college campuses here in the United States began stoking the fires of anti-Jewish hatred. Protests in the weeks after 10/7 featured students and faculty who celebrated terror and unapologetically recast Hamas' barbarity as exhilarating, glorious, and liberating. Over winter break, the Jewish community held its collective breath, hoping the temperature would be turned down on college campuses in the spring. Instead, we witnessed a doubling down on extremism. Radical anti-Israel protesters commandeered campus quads and occupied university buildings, fomenting vile antisemitic messaging and creating an atmosphere of harassment, intimidation, and fear for Jewish students, faculty, and staff, and disrupting normal campus activities for all campus citizens, Jewish and non-Jewish alike.

I want to be clear in my testimony to Congress that the response of many university presidents and chancellors to the events of this last academic year has been woefully inadequate and lacking in leadership. It is completely unacceptable for higher educational institutions to be places of concentrated toxicity for students who are Jewish, Israeli, or Zionist, and yet that is what this year has brought into view. Now, it is incumbent on university leaders to use these summer months to confront this problem that has torn campus communities apart and risks permanently staining the reputations of our country's top academic institutions, which are incredibly important to the fabric and future of our society.

On Monday, blatant antisemitism celebrating Hamas was on full display in New York City (NYC) outside of an exhibit paying tribute to the more than 300 killed by Hamas at the Nova Music Festival. One woman conducting a call-and-response chant said, "When the Zionists decided to rave / Next to a concentration camp / That's exactly what this music festival was / It's like having a rave / Right next to the gas chambers / During the holocaust." On Tuesday, a group of people on a NYC subway car shouted, "Raise your hands if you're a Zionist, this is your chance to get out." When no one responded, the person shouting said, "Okay, no Zionists here, we're good." And on Wednesday, the homes of Jewish employees and leadership of the Brooklyn Museum were vandalized, including the hanging of a banner at the home of the Museum's director that said "white-supremacist Zionist." Those here today, those following this closely, and university leaders in charge of the safety and well-being of students on their respective campuses are foolish to believe that the threatening and dangerous antisemitism we saw increase toward the end of the academic year, and that we continue to see across our country and the world, will not reappear on campus in the fall. They cannot allow it. We cannot allow it. That is why university leadership must take the time over these next few months to seriously confront this problem.

This past year, Jewish students have been forced to walk a gauntlet on college campuses, finding alternative pathways to classes, dining halls, libraries, just to stay safe. They have had to come home to dorms even after their resident advisors posted on social media: "No Zionists allowed." They have watched as campus events featuring Israeli speakers were canceled or moved to secret out-of-the-way locations, and they have had their classes moved online when it was no longer safe for them to be on campus amidst increasingly radical protests. Some have missed classes because their classes were moved to inside anti-Israel encampments.

According to AJC's State of Antisemitism in America 2023 Report, 25% of American Jews with current or recent college experience have avoided wearing or carrying things that identify them as Jewish, and 24% say they have felt uncomfortable or unsafe at a campus event because they are Jewish. This past academic year, Jewish life on campus became narrowed, relegated to dark corners while lawless protesters took center stage and were allowed to remain there, despite pushing past every margin of acceptable conduct, occupying buildings, disrupting final exams and graduation ceremonies, and blatantly defacing university property with anti-Jewish and anti-American messages.

In some cases, these radical individuals were granted a seat at the table with university boards as a reward for their blatant disregard of rules. It should not come as a surprise that this school year shook to the core the Jewish community's trust in institutions of higher learning.

Critically, we have reached a tipping point where the atmosphere on campus has become so unilaterally pitted against Israel at many schools that they are no longer environments that support free exchange, reasoned debate, critical thought, or truth-seeking. We have seen many campuses devolve into atmospheres incapable of sustaining a modicum of debate about the complexity of the Middle East, much less basic empathy for the suffering of innocent Israeli civilians.

This spring, a Jewish instructor at the University of Minnesota wrote in chalk on the sidewalk of her school's encampment, "Free the hostages." An encampment protester wrapped in a keffiyeh with a masked face, spilled water on those words and rubbed her foot across them until they were completely erased. Acts like these are emblematic of the attempted erasure of Jewish life from college campuses that we've been witnessing across this country. This cannot and must not be allowed to become our new normal.

In our work with administrators, AJC has emphasized [short, medium, and long-term initiatives](#) to shift the campus atmosphere and dispel the cloud of antisemitism that has gathered over campuses, which risks becoming permanent if we do not assertively counter it. Just as antisemitism is not just a Jewish problem but a vast systemic rot that affects all of society, addressing antisemitism on campus requires a coordinated, multi-pronged approach. In addition to meeting the immediate needs of Jewish students, staff, and faculty, real change requires a sustained commitment by educational institutions to improve the learning and living environment for everyone. We must seize the current moment and the opportunity it affords to demand that universities take action in both the near-term and the long-term, to counter antisemitism on their campuses.

#### **Update Codes of Conduct**

Many schools' regulatory statutes are outdated and ill-equipped to meet this moment. Administrators should update their regulatory statutes – codes of conduct for students and policies on faculty rights and responsibilities – to articulate a set of clear expectations for every campus citizen. Administrators must also clearly spell out consequences for those who violate policies and codes, and communicate those consequences clearly to the entire university community, enforcing policies when necessary. Too often this year, we have seen uneven enforcement and an unwillingness on the part of administrators to apply consequences to all groups without exception. Many of those exceptions have resulted in discrimination against Jews relative to other minority groups.

Establishing fair-minded, issue-neutral rules that apply equally to all campus citizens without exception, is an essential first step in creating campus communities where all students, including Jewish, Israeli, and Zionist students, can access the educational and professional opportunities they have earned. Enforcing those regulations is vital, and may require additional layers of accountability and pressure, including the pressure that has been generated by this year's congressional hearings on campus antisemitism. More needs to be done to apply pressure that aims at restoring institutions of higher learning to their core missions of fostering critical thought and debate, not promoting dogma or ideological conformity.

#### **Antisemitism training and education**

Universities nationwide, including elite schools like UC Berkeley, Harvard, and Columbia, have been host to shocking and blatant antisemitic messaging throughout this academic year. Anti-Israel campus protesters have broadcast imagery that invokes the [medieval blood libel legend](#)

and conspiratorial myths about the corruptive influence of Jewish money and power, and inversions of the Holocaust that accuse Jews of Nazism. Institutions of higher learning have a responsibility to counter anti-Jewish prejudice and ignorance, and they can do so by mandating antisemitism education for their entire communities of students, faculty, and staff. We recommend that schools introduce mandatory antisemitism education for all incoming students as well as faculty and staff, that addresses the history of anti-Jewish hatred and provides strategies for recognizing, unpacking, and confronting it in the present.

Mandatory education is a crucial starting-point for the entire campus community that blatant prejudice and ignorance will not stand, and that anti-Jewish hatred is as significant a threat to the larger project of higher education as any other form of hatred and prejudice. Mandatory education is an important starting-point, one that should form part of a comprehensive plan that enlists a variety of sectors across the university, including interfaith officers, student life officers, research directors, instructional staff, and many others. Our [Action Plan](#) offers a detailed set of recommendations for campus administrators to enlist their schools as active partners in the society-wide effort to counter antisemitism, just as the National Strategy to Counter Antisemitism offers its recommendations, including specific action items for the Department of Education. I encourage you to hold the Department accountable for its commitments.

Congress can help move universities towards that first step by recommending that they include antisemitism training alongside existing programming to counter hate and discrimination. It is equally essential that this programming use the IHRA [working definition of antisemitism](#), the model adopted by 35 nations worldwide and the definition currently used by the Department of Education to adjudicate Title VI antisemitism complaints. Too often we have seen educational programming, including teach-ins, be co-opted by anti-Zionist voices from the fringe on college campuses, when what is sorely needed is an understanding of antisemitism that attends to its current manifestations and connects the anti-Jewish messaging that we are witnessing in our world today to the long history of antisemitic tropes. Too often, these same anti-Zionist voices from the margins claim that antisemitism is being exaggerated and weaponized by Jews to muzzle political critique of Israel. These claims are dangerous, and we must reject these bad faith attempts to undermine the testimony of Jewish students about their experiences as Jews and Zionists.

We have moved past the point where we need to ask whether antisemitism education is needed in universities. Universities - including DEI initiatives - must move past pondering *if* and ask *how* to best integrate education about Jewish history and identity and antisemitism awareness training into their student-facing programming for the Fall. DEI programs can be places where that education is rolled out, but centers that attend to inclusion and diversity work on college campuses must demonstrate that they are willing partners to those efforts. The current crisis on campus represents an opportunity and a test of these programs' ability to respond productively. American Jewish Committee is ready and willing to help strategize how to meet that need with university partners to expand the umbrella of their anti-bias and anti-hate work. We also acknowledge that there will be pockets of resistance at schools that dangerously see their social justice mission as one that excludes Jews and Zionists. Congressional attention has cast much-



needed attention on this issue and the importance of including Jewish voices and antisemitism awareness in the project of diversity and inclusion work. In the coming year, we encourage Congress to keep applying pressure to ensure these programs become part of the solution rather than contributing to the epidemic of campus antisemitism. When Jews are excluded from campus groups, this is discrimination that must not be tolerated.

#### **Cultivate Intellectual Pluralism by Departments and Programs**

The intellectual atmosphere of many universities has, in recent years, overwhelmingly embraced and rewarded activism over civil discourse, ideological posturing over collaboration to resolve shared problems. The results of those priorities have been made clear through campus protests that have violated the rules governing assembly and free speech, interfering with students' ability to learn and faculty-members' ability to conduct classes and engage in research. Some graduate and post-graduate students in STEM fields have vowed to refuse to work alongside Zionist or Israeli fellow-researchers. Some faculty have made it their mission to enlist students in a social justice battle that places Israel and Zionism squarely in the crosshairs. The fact that this is happening on campuses nationwide is not an accident of the times; it is a direct consequence of prioritizing activism when faculty are hired and students are recruited, and it is deeply corrosive both to academic institutions and to our shared democracy.

In order for administrators to change the intellectual climates of their institutions in a positive way, they must contend with the intellectual units on their campuses that blatantly foster anti-Israel and anti-Zionist climates. On many campuses, there are a handful of schools, programs, and departments that consistently issue collective statements condemning Israel and Zionism. These are spaces that Jewish students know they must altogether avoid or hold their heads down and endure in silence while concealing their identities as Jews. And they are deeply at odds with the university's ideals of free intellectual exchange.

The blatant ideological bias exhibited by departments that consistently and concertedly condemn Israel and its very existence must be addressed strategically with a view towards restoring universities to their missions as centers of fact-based exchange and truth-seeking. It should not be considered a badge of pride for departments to issue statements condemning Zionism or the State of Israel. It is a mark against free inquiry and the reputation of their institutions. Whatever negligible effect departments' political statements might have on conditions in the Middle East, they have an exponential chilling effect on departmental culture, including the education of students, and the promotion and hiring of junior faculty. Difficult as it is, university leaders must find effective ways of addressing this issue, or risk capitulating the climates of their institutions to a form of ingrained antisemitism whose messaging unapologetically mixes age-old antisemitic tropes of Jewish power, control, and malice with contemporary anti-Zionist antisemitism.

### Responsibilities of Faculty

Faculty on the tenure track and prospective job candidates who are Israeli, Zionist, or Jewish are at risk of discrimination and exclusion. There are no magic bullets to resolve this issue, but it is a problem that reaches all the way down to the root-structure of many institutions, and will require attention, focus, and in all likelihood, additional sources of pressure and oversight in the years to come.

One way of approaching this issue is through a focus on the responsibilities of university instructors and research supervisors. Administrators must make clear that instructors and supervisors - and especially tenured faculty - come into their roles with rights *and* responsibilities. The way past the weaponization of classroom spaces in service of anti-Israel ideology comes from modeling a different kind of leadership in the classroom. Classroom instructors are leaders who offer a standard of intellectual inquiry for students, by reinforcing essential critical thinking skills like applying evidence to argument. Classrooms are not spaces where professors should be subjecting students to off-topic diatribes about their political opinions on the Israel-Gaza war. Microbiologists, for example, should not be turning their classrooms into pulpits about Israel, Zionism, or any other subject unrelated to their designated area of expertise. And academic freedom does not protect faculty who choose to hijack their classrooms for the purposes of anti-Israel indoctrination.

Administrators have a duty to reinforce the limits around academic freedom so that faculty understand that tenure does not give them a blank check – rather, academic freedom gives them leeway to pursue lines of inquiry oriented towards truth in their chosen fields, along with a set of responsibilities to impart the skills of truth-seeking and rigorous intellectual inquiry to their students. Just as we expect professors not to abuse their authority over students in a host of ways, we expect them not to abuse their authority by turning their classrooms into indoctrination centers for privately held political opinions, including anti-Israel activism. Standards for tenure and promotion ought to take these items into account, and in turn clarify these priorities for everyone on campus involved in the tenure review process. There must be real and consequential priorities in place for determining faculty-members' potential for professional advancement, that take into account their capacity to cultivate critical thinking in students.

Administrators should also clarify and raise awareness around the university's standards for educational programming to ensure that events like teach-ins and panel discussions meet basic educational criteria, such as those outlined in the American Association of University Professors' (AAUP's) [guidelines](#) on academic freedom. The AAUP is explicit that faculty members "should be careful not to introduce into their teaching controversial matters which are unrelated to their subject, or to persistently introduce material which has no relation to the subject." It is essential that programming bearing the university's name offers expert-led opportunities to learn about complex topics, including Israel/Palestine, Zionism, and antisemitism. Programming on antisemitism should be especially sensitive to these standards. It should never become a shell for anti-Zionist or antisemitic messaging without reference to the history or lived experience of anti-Jewish hate.

### **Prioritize Campus Physical Security**

Security concerns have risen in proportion to escalating threats of violence against Jews on campus in the months following 10/7. It is the university's responsibility to anticipate these security needs in Jewish cultural and religious spaces on campus, for programming featuring Jewish and Israeli speakers, and in spaces where Jewish students and faculty routinely live and work and where they may be at risk. Ensuring the physical safety of Jewish students, faculty, and staff is a basic and necessary first step in creating an atmosphere where Jewish campus citizens can work and learn freely.

After so many campuses have experienced such significant issues— more than 150 schools have open Title VI investigations currently being reviewed by the Department of Education, university presidents should be voluntarily announcing that they will open Title VI Compliance Offices, much like they have Title IX offices. This should be a simple step that will show not just Jews, but all minority groups, that the university cares about their wellbeing and will not tolerate a hostile learning environment.

### **Congressional Action**

Congress will also have an important role to play in creating pathways towards improved accountability and I encourage you to support and pass [H.R. 7921](#), the *Countering Antisemitism Act*, the most comprehensive legislation to address domestic antisemitism to date, which would help strengthen federal efforts to counter antisemitism, including in higher education. I am also encouraging you to support robust funding for the Department of Education's Office for Civil Rights, the office responsible for investigating Title VI discrimination complaints that arise on campus. Currently, each investigator in the Office for Civil Rights is working on 50 different cases. This office needs additional resources to continue to ensure perpetrators are held accountable and Jewish students can feel safe on campus again. Congress should also provide sufficient funding for the Nonprofit Security Grant Program, which currently is unable to meet the needs of all applicants.

As a former Member of Congress, I know the position you are in. There are students from your district being told that their identity as Jews and as Zionists is putting their safety at risk and preventing them from participating in student groups on campus. This is not only discriminatory and a violation of codes of conduct but should really strike you at your core. Many of these students might be home for the summer or will return to your districts, after having experienced antisemitism directly this past academic year, to start the next phase of their lives. Spend time hearing their voices. Let your staff and your constituents understand them and stand with them as they describe what they have faced and expect to face when they return to campus. If you have a college or university in your district as I was also privileged to have, then you understand the power of your voice. Please use it and use it wisely. University leaders will listen to you. You understand the role these campuses play in your communities, and you can help them be a positive force for cooperation and community rather than division.

I would also like to acknowledge the hearings Congress has held which have placed this problem of antisemitism on campus in the spotlight and the Speaker's House-wide effort. Many committees, including yours, are involved in this process, but what I'd like to stress is that antisemitism is not only a threat to the Jewish community, it is a threat to democracy. This moment is not only about the Jewish community, but also about the society we live in, and we must find ways to work together in a bipartisan manner to hold these schools accountable, to protect students, and create a better future for our children and grandchildren.

There is no quick fix to resolve the entrenched problems we've seen take hold of institutions of higher education in recent years and especially this last year. But currently, we are at an inflection point where university leaders can no longer claim ignorance. This last year has previewed for administrators what is to come next year when classes resume and new developments stoke the existing fires of outrage and protest on campus. We know and understand that true shifts in campus climate will not happen overnight, and that clearing the clouds of antisemitism and prejudice will take time. But universities are accountable for this long-term change, just as they are accountable to the legacies of their institutions over a period of decades and centuries. They must spend this summer devising real and focused solutions, and resist focusing their energies on evading consequences while continuing to drift along on the same imperiled course.

Organizations like AJC that work in tandem with university leaders, board members, and elected officials, are a vital part of this ongoing conversation, and we will continue to chart the most productive pathways forward out of the current crisis, and work diligently to create a brighter future for Jewish students at universities across the country.

Chairman SMITH. Thank you for your testimony. We will now move to questions.

Ms. Dror, you testified before our committee during the past fall semester about your experience with violent threats, harassment, and other antisemitic behavior on Cornell's campus. You recalled being terrified, knowing that, as an outspoken Jewish leader, you could likely be identified and targeted by anyone seeking to do harm. Did you feel the same way during the spring semester that you just completed?

Ms. DROR. Thank you, Chairman Smith.

Thankfully, there were no more expressed death threats against Jewish students this semester. But watching the widespread acceptance and normalization of antisemitism kind of created a different type of fear in me. Watching myself and fellow Jewish students begin to develop an it-could-be-worse mentality—we could be getting stabbed in the eye, like my friend, Sahar, at Yale did, or be told that we deserve to go back to Poland, like my friend, Shai, did—I began to realize how dangerous it is to become desensitized to this form of bigotry and hatred.

Chairman SMITH. Professor Davidai, many of us here have heard about what happened on Columbia University's campus this spring. I am happy that you are here with us today so we can hear firsthand from a member of the faculty about what has been going on at Columbia, including the unauthorized encampment, which resulted in police arresting over 100 Columbia students.

What do you think are the main factors that led students to feel emboldened to essentially take over Columbia's campus?

Mr. DAVIDAI. Thank you so much. That is a great question. I would say that there are two main factors.

One is a complete lack of leadership and accountability from the administration. The student organizations and their leaders have seen that they can do whatever they want with complete impunity; that when they break the laws they will—the university will send out a strong email, but will not follow it; when they get suspended, nothing actually is enforced; that they can hold an unauthorized protest and won't be dispersed; that they can basically spew out hate, antisemitism, and pro-terror rhetoric, and nothing will happen to them.

And the second factor is the faculty. There have been many faculty who have not only indoctrinated these students and egged them on to keep going, like Professor Katherine Franke, but many faculty who actually defended with their bodies to stop police enforcement of the illegal encampment.

So when you have a mixture of pro-Hamas, pro-Islamic jihad faculty and an administration that shows no leadership and no accountability, that is what you get.

Chairman SMITH. So I think it is safe to say, based on your answer there, that Columbia has not been living up to its obligations to its students and fulfilling its educational purpose.

Mr. DAVIDAI. I would say that it even—didn't even pretend to live up. It is not that Columbia can't; it is that Columbia won't.

Chairman SMITH. Columbia won't. And the professors you listed in your opening statement, that is extremely, extremely disturbing. Thank you.

Mr. Marcus, part of today's hearing is to see what, if anything, Congress can or should do to hold schools accountable and protect students on campus. For this committee that includes considering whether colleges and universities are complying with section 501 of the Internal Revenue Code and fulfilling their tax-exempt purpose. For other committees, that also may mean looking at Title VI and the Department of Education's process for resolving these types of complaints.

Based on your experience, do you think it would be helpful if federal agencies had additional tools to use when investigating colleges and universities for alleged violations of anti-discrimination laws?

And are there any policy solutions Congress should consider?

Mr. MARCUS. Yes, Chairman Smith, thank you. I do think that additional remedies are necessary.

There is the possibility of lawsuits, but those are expensive and lengthy.

The current process at OCR is also somewhat cumbersome, and seldom leads to the sort of resolution that really would require fundamental change. Nor is the OCR system necessarily built for the sort of crisis that we have today.

So for those institutions that are recalcitrant in the face of growing antisemitism to which they have shown something like deliberate indifference, I think a more streamlined, quicker process that could lead to issues with respect to tax-exempt status would be a welcome addition to the remedies that are now at play.

Chairman SMITH. Thank you. I would like to recognize the ranking member, Mr. Neal, for questions.

Mr. NEAL. Thank you.

Mr. Deutch, I will give you a chance to answer the same questions that were just offered to Mr. Marcus, and give you an opportunity to discuss safety on campus, what suggestions you would make to take action against antisemitism beyond the universal condemnation that you have heard.

And perhaps you could talk a bit about your recommendations for integrating antisemitism training in many of our institutions.

Mr. DEUTCH. Thank you. Thank you, Ranking Member Neal.

First of all, in response to the question about what can Congress do, the Office for Civil Rights at the Department of Education needs additional resources that—the challenges that we have all described are so great, we want and expect the Office of Civil Rights to take necessary action to begin investigations promptly and, most importantly, to complete them promptly so that accountability can actually be brought to bear. They need additional resources so that they can do that.

I mentioned, as well, the Countering Antisemitism Act. There are two ways to address antisemitism. One is to identify it, and Congress passed the Antisemitism Awareness Act because identifying antisemitism is important. That is what the IHRA definition does. It is why AJC has worked to pass it so many places around the world and around the United States. And it is what that bill does, and I hope that the Senate will pass that, as well.

The Countering Antisemitism Act strengthens Federal efforts beyond that. Once we have identified antisemitism, we should have

greater resources. There should be someone in the White House going forward in every administration that is focused on this issue. Same at the Department of Education. That is what that bill, H.R. 7921, does. And I encourage members to look at it, to cosponsor it. And ultimately, I hope the Speaker will bring it up so that it can pass.

In terms of safety on campus, there are different steps that the universities can take. But first and foremost—and I think we all agree, and we have heard different versions of this—the campus administration has to enforce its own rules. The code of conduct on its campus has to be updated. Some of the codes of—student codes of conduct were written so long ago they don't even acknowledge the existence of social media, they don't acknowledge the current world that we live in. They should be revised for the benefit of not just Jewish students, but for the community as a whole.

And then they need to be enforced. There need to be repercussions when those rules are violated, and that stands in stark contrast to what we have seen on some campuses, where the violation of those rules has actually been rewarded. That is an important step.

And universities need—beyond that, they need to be very clear in ensuring—and this is, I am sure, a conversation that will take place over the course of this day—there needs to be viewpoint of diversity on campus. When you allow one group to completely silence another—the harassment and intimidation of Jewish students, of Israeli students is meant to silence them. And universities have a role to play in ensuring that, if they intend the university to live up to its ideals as a place where a free exchange of ideas can actually take place, then you have to actually hear all voices, and you can't silence—you can't allow one group to silence the voices that they disagree with and—in this case, that they literally—they violently disagree with. That is an important step that has to be taken.

And there is a responsibility—I will just finish, Ranking Member Neal, with the faculty, as well. There are—the challenges that exist with the faculty, the way that faculty on some campuses conduct themselves in ways even in violation of the guidelines on academic freedom that the American Academy of University Professors sets out, winds up doing damage, again, to the ultimate goals of the university, which is to be a place where there can be a free exchange of ideas.

That has to be tackled seriously, and this has to be done over not just the coming semester, but this is something that universities need to focus on over the coming years, and it starts with university presidents who set the right tone, who speak with moral clarity, who understand that what is happening at this moment when there are protesters supporting terrorist groups runs contrary to everything about that university campus.

Mr. NEAL. Thank you.

Chairman SMITH. I now recognize Mr. Smith.

Mr. SMITH of Nebraska. Thank you, Mr. Chairman. Certainly, thank you to our witnesses here today, as well.

This committee's jurisdiction is built around the tax code, obviously, and it is important we conduct oversight to ensure entities

receiving tax exemptions or credits through the code are following applicable rules. That concept is not unique to educational institutions. For example, I don't really agree with much of the Democrats' stimulus bill from 2022, but they understood what they were doing when they wrote domestic content requirements into their electric vehicle tax credit.

We have historically limited who credit unions can serve, and how much they can lend to businesses because they are exempt from tax, while banks are not. Even popular individual provisions like individual retirement accounts and 529s have rules about what you can and can't do with the funds in exchange for receiving tax deferral or exemption.

Colleges and universities shouldn't be treated any differently. They receive their tax-exempt status on the basis of providing quality education in a safe environment. When they fail to do that, we should all be concerned.

I am chilled by what I hear not just on the news, but comments here today.

Professor Davidai, you have spoken publicly about the radical viewpoints taught by specific professors, I believe, at Columbia. For example, it is my understanding that one colleague of yours, known for anti-Israel positions, recently published a controversial article which described the Hamas attacks as "awesome," and as a "resistance offensive." I think you have pointed to some of these.

But another Columbia professor published a social media post stating, "I am with Hamas, and Hezbollah, and Islamic Jihad."

I know that this is not limited to just Columbia. That is certainly my observation. But it is bad enough when students might intimidate other students and the administration would take a dismissive posture. When faculty engages in rhetoric such as this, I am extremely concerned. I find it chilling, absolutely chilling that this situation is what it is.

Professor Davidai, from your perspective, how would you say the spread of these viewpoints from faculty has impacted the student population?

And if you could, elaborate further than what you have already stated in terms of the actual impact on students.

Mr. DAVIDAI. Thank you so much for this question.

So first of all, we have to note that there has been a systemic—sorry, systematic—purging of certain viewpoints from Columbia University and other universities. It used to be the case that students who were interested in engaging in critical thinking could go and listen to the professor you mentioned, Joseph Massad, hear his viewpoints, which I completely disagree with, and then go and sit on a different class with a professor with opposing viewpoints who actually believes that Jews do have a right to exist, and the students will have some balanced point of view.

The problem is that throughout two, three, or four decades, there has been a purge of professors who disagree, who disagree with people like Professor Massad, Hamid Dabashi, and the sorts. And now students are just not educated. They are indoctrinated. When you are only allowed to listen to one point of view, then you end up either agreeing with that point of view because you didn't get any opposing views, or you drop out of the class.



There are—there have been experiences of students that feel like they have to write papers that oppose their own values just to get a passing grade. So I believe that is a huge problem for education.

Mr. SMITH of Nebraska. Right, thank you.

Ms. DROR, I want to talk briefly about the, you know, 501(c)(3) part of our tax code, and that exempt purpose. We could talk probably a long time, in addition to the discussion here, in terms of, you know, tax-exempt status and what does that do for students. It certainly doesn't seem to lower the tuition much, but especially when students would feel harassed in the environment where these institutions have massive and generous tax breaks that they take advantage of. What would you say is the impact on students themselves?

Ms. DROR. Universities are using their federally-allocated funds to fund hateful student groups like Students for Justice in Palestine. And it is—or fellow organizations that essentially organize and spew hatred. So universities are now using Federal funds that they get through, if I am not mistaken—

Mr. SMITH of Nebraska. Federal funds would be even different than the tax-exempt status that is enjoyed by these institutions. But it is resources, nonetheless.

Ms. DROR. They are using their very exorbitant amount of power and wealth to fund anti-American students promoting hatred and anti-Americanism.

Mr. SMITH of Nebraska. Okay. Thank you.

I yield back.

Chairman SMITH. Mr. Doggett.

Mr. DOGGETT. Thank you, Mr. Chairman.

So many of the chants and taunts since October 7 have fueled antisemitism, and the incidents that you described today are truly outrageous. I have joined one resolution after another, one letter after another to condemn and respond, including the important and very appropriate recommendations of the Anti-Defamation League, such as the Never Again Education Act and the Department of Education's Center to Combat Antisemitism.

At the same time, I took this position not after October 7, but throughout my life, and particularly on August 12, 2017, condemning those White nationalists that marched through Charlottesville with their torches, yelling, "Jews will not replace us. Unlike President Trump, I did not find good people on both sides. Rather, I saw dangerous racists and anti-Semites on one side. Yet Trump could not bring himself to treat neo-Nazis and the KKK any differently than Vladimir Putin. Never a genuine word of criticism.

Even today, our colleagues had to push back this very hearing in order to meet with the former President, who very recently said that Jews, like our former colleague Ted Deutch, who don't vote for him, "hate their religion and hate Israel." I think we need a broad concept of what antisemitism is, and that it applies there also.

I also reject the opposition and the attacks that have occurred on and off campuses to the very concept of a democratic Jewish state, which I support. There were no Palestinian martyrs on October 7, only murderers and rapists.

Our hope, though, of saving the lives of innocent Palestinian women and children is diminished by every protest that can be dis-

credited as antisemitic, and every action that drives our neighbors away, instead of causing more of them to recognize the true nature of the catastrophe that is ongoing today that results from Netanyahu's indiscriminate bombing and unwillingness to facilitate essential humanitarian aid to the Gazan people. In confronting rising antisemitism, we need equal concern about rising Islamophobia and hateful acts against Muslims, blaming the innocent for what they did not cause.

I believe in policies and practices that protect all individuals, Jewish and Muslim, from hate and discrimination. This includes robust reporting mechanisms for antisemitic and Islamophobic incidents, comprehensive anti-bias training, as you have urged today, and a zero tolerance on hate speech and discrimination.

Antisemitism should not be weaponized as a way to attack those of us who disagree with the policies of Israel's ultra-right government, and specifically with the self-serving actions of Netanyahu and his partner, Ben-Gvir. Such misapplication only demeans the term "antisemitic."

And today one of our Republican witnesses is here to take the misuse of antisemitism a step further by arguing that, "A main contributor to the new left antisemitism is atmospheric: the radical diversity, equity, and inclusion, DEI, ideology." Such claims not only misconstrue diversity, equity, and inclusion, but also basically pit one minority group against another.

DEI responds to decades of systematic exclusion of people of color from higher education in states like mine in Texas. It seeks to create a culture of respect and understanding for all. Both communities of color and Jewish Americans are all too familiar with the very real prejudice that they have endured. Shared mistreatment has often united them to stand up together against injustice.

With the University of Texas at Austin yielding to the legislative pressure to shutter the Multicultural Engagement Center, we lost a home away from home, as many students described it. It is a center where, as Congressman Deutch has suggested, there ought to be a place to educate about Jewish history and antisemitism.

I don't say that every DEI program across the country has been without fault, but we should be finding common ground there.

And it is a mystery to me why the Republican leadership here continues to refuse to permit a vote on Congressman Kathy Manning's H.R. 7921, Countering Antisemitism Act to establish a national coordinator to oversee an interagency task force to counter antisemitism. It should have been approved long ago.

We live in a time here in America and in the Middle East where neither side can appreciate the well-justified pain of the other. Together we have got to seek to overcome the fear and the pain to promote more understanding and capitalize on the talents of all Americans.

I yield back.

Mr. SMITH of Nebraska [presiding]. Thank you.

Mr. Kelly, you are recognized for five minutes.

Mr. KELLY. Thank you, Chairman, and thank you all for being here today.

It is amazing that we think we can have a meeting of the Ways and Means Committee to come together to try to figure out what

the heck is wrong with what is going on in the world today. The seeds of hate are sown long before the freshman year. They are sewn at home by mothers and fathers, grandmas and grandpas, aunts and uncles, and families. When we don't teach our children early on that hate is wrong at any level and in any people at all, I am amazed that we think there is a political answer to a human problem. We can pass all the laws we can. That doesn't mean they can be enforced, or that the people will even accept that that is a law that I have to follow.

We are having a debate today, a political debate that goes far beyond politics. This is absolutely incredible, that we think that somehow these seeds of hate that are sown at a very early age and then fanned as the child grows can be corrected by a law. It goes far deeper than that. I think it is appalling that we think we have to call a committee hearing to address something that is so fundamental in the raising of our children.

We have destroyed the nuclear family with different government programs. We have encouraged people to not try to get better, to try to get more understanding, to try to become a better person. And we have tried to substitute a government-funded existence that is the worst thing to do to any human being.

Ted, it is good to see you again, and I got to tell you I just lost a really good friend of mine not too long ago. We used to drive to high school together, and he was Jewish, and the things that he had to go through were absolutely appalling to me.

We sit here today and think that a law can be passed to outlaw hate. And we know the drivers of most of this stuff that happens at our highest universities: it is funding. My gosh, we can't lose that stream of funding, so let's try to accommodate that. No, what we need to do is quit accommodating the type of behavior that we are seeing taking place not just here in America, but around the world.

It is absolutely appalling that human beings can look at each other and hate each other for something that they believe in. I wish there was a law—and there is a law from a much higher source than men can do on their own.

I have no questions of you, other than to say thank you for taking time out of your life to come here again to talk to people who love to turn everything into a political answer, as opposed to common decency. If it doesn't start at home, you can't expect it to grow. And if it is not supported by mothers and fathers, aunts and uncles, grandmas and grandpas and neighbors, why do we wonder that we see these things happen, and by people who are in the highest places of education, and say, how can they be so filled with hate? And how can we sit back and think that somehow we are going to pass a law that changes that?

The law we need to pass, if you are a mom and dad, it is your responsibility. It is your responsibility. There is no law that can be enacted that can stop this from happening. Recognizing it is one thing; accepting it is not an alternative.

So thank you all for being here. I have no questions for you because we have talked before. We have talked before, and things have only gotten worse. And somehow, we think it is somehow it is the fault of a previous administration, or somebody who didn't

do this, or didn't do that. And we say, please, find a mirror and take the longest look you can at the reflection and say, "What have I done as an individual to make sure that my children don't grow up hate-filled, but rather thankful for the country they live in, and their opportunity to actually make a change or a difference in the world, a positive change?"

So thank you again so much for doing this. I am baffled by our continuance to have meeting after meeting, hearing after hearing to think who is responsible for all this hate-filled part of our society? Find a mirror. Thank you.

Mr. SMITH of Nebraska. Thank you. I now recognize Mr. Thompson for five minutes.

Mr. THOMPSON. Thank you, Mr. Chairman, and thank you to all the witnesses for being here today.

You know, in the months since October 7, communities across our country and in my district have had to grapple with enhanced antisemitism. On campuses in my district Jewish students have been harassed and threatened. There have been bloody handprints left on buildings. There is chants and signs of, "From the river to the sea." Even Jewish high school students in my district have hate messages sent to them by fellow students. This is absolutely cruel, it is unacceptable, and it has to stop.

I vehemently defend Americans' right to assemble, to free speech, and to protest, and I always will. But when Jewish students are being singled out, targeted, harassed, made to feel unsafe, that is not peaceful protest. It is not peaceful assembly. Reasonable people can and do disagree about Israel and Palestine, but we should all agree that students should be able to study and to learn, free of any harassment, let alone religious bigotry. Along with all my colleagues on this dais, I too believe antisemitism is appalling and has no place in our society.

Congressman Deutch, good to see you here today. You mentioned that there is things that universities need to do to improve the situation on campuses, and you spoke to that in regard—in response to Chairman Neal's questions. But could you talk about the physical security measures that may be needed to ensure a safe and peaceful place from which students can learn?

Mr. DEUTCH. Thank you, Mr. Thompson, and I don't want to take away from your time, but I just want to acknowledge that the question that Mr. Kelly asked about what can I do individually is a question that I think, really, all of us need to ask, and I appreciated that.

Mr. Thompson, there is, as we have seen this dramatic increase in threats to Jewish students on campus, threats of violence since 10/7, the university has a responsibility to meet the potential security needs. It is true in religious and cultural places on campus. It is true in gatherings on campus, so that there is adequate security so that they don't have to close, shut down events in the middle, send people home because they are not equipped with adequate security. It is so that they don't have to cancel an event that was meant to be a public event, only to shuffle the participants to an undisclosed location, and a significantly smaller number, because that is all they are able to help secure.

And it means ensuring that the speakers who come through, have the security that they need, so that you don't wind up losing the opportunity to hear from Israeli voices, and hear from Jewish voices who are told, "Don't come to our campus because it is just not safe for you."

There have been now 150—Mr. Marcus can confirm this—more than 150 schools that have open title 6 investigations. The title 6 cases are important. I mentioned earlier universities should have title 6 offices so that they are starting to focus on these issues, including physical security, and a way to address them directly.

Mr. THOMPSON. Thank you very much. I would like to yield the remainder of my time to Mr. Schneider.

Mr. SCHNEIDER. Thank you very much.

And, Mr. Marcus, if I can turn to you a little bit, and it is a broad question, but I will set it up for later. The protests we are seeing on campus, the professors and scholars coming out to join or even lead changing curriculums in their campuses, is that something new or is this something that we have seen on campuses for a long period of time?

Mr. MARCUS. So Mr. Schneider, we have seen protesters on campus for a long—

Mr. SCHNEIDER. I am talking about the professors, the academic scholars, for example, with the ASA and other associations supporting anti-Israel positions and rhetoric.

Mr. MARCUS. We have seen protests, but there are protests and there are protests. And we have seen faculty engaged in protests, but not at this level. Now we have a much greater politicization, a much greater polarization, a much greater involvement in faculty.

And let's admit it, there is a difference between protesting a war in which one could say that there are, you know, issues of—it is very different when you look at a so-called protest that began even before the Israeli Defense Forces encroached into Gaza, a so-called protest that began as soon as the Hamas atrocities became publicized. These are not just protests, these are extremist support for terrorist actions. The fact that faculty are supporting that in many cases, this is unprecedented, and shouldn't be compared to prior protest activity.

Mr. SCHNEIDER. Thank you, I yield back.

Chairman SMITH. Mr. Schweikert is recognized.

Mr. SCHWEIKERT. Thank you, Mr. Chairman and Ranking Member.

Okay, we are going to try to go through a couple things here. First off our scope is tax money, universities, those things. But I am incredibly concerned that the almost evil-crazy that I see coming in on my own personal phone—the fact of the matter—and Congressman Deutch would be able to process this—you open up your phones on Monday morning and start having your staff go through your voicemails, and there is hundreds and hundreds of actually "Burn civil society down," just almost evil. And my fear is much of it is a bot. It is the use of technology.

How much of the mind-bending from the people who used to have the bumper sticker that would say, "Coexist," to now it is a

bumper sticker of a Palestinian flag with a weapon attached to it? What has snapped here?

And my fear, Mr. Chairman, as we do our little piece here on universities, and how much of this is foreign influence money and other things falling through the process, are we capable, as Members of Congress, of having a societal discussion of the financiers and generation of hate that seemed to be coming in from foreign entities, maybe even from some fairly sick entities in my own country? And it is burning down—the potential burning down of civil society across the world.

Congressman Deutch, you won't remember, but years ago you and I had sort of a side conversation on some of this and my fear, the use of technology to push antisemitism, and that it is a handful of people who have bought bots and natural language, you know, chat. How much do you believe this evil is being pumped into our society, and manipulating young people's brains and even other people's brains is being financed from outsiders?

Mr. DEUTCH. Well, we know a couple of things clearly. We know that state actors are involved in this effort to help divide the people of the United States from one another. We have seen the same thing. This is the playbook. That is the playbook that the Russians have used around the world and have done the same thing here.

We know that that the Iranians and other state actors are also involved. And I am going to—this is one where I defer to the House and my former colleagues to continue to make sure that that is a focus.

We also know, though, that when it comes to funding, the questions that are being asked are important, and the effort—the deterrent act that seeks to have—impose penalties for non-compliance with disclosures, I think, is important. At the same time, I think that I would just suggest—please.

Mr. SCHWEIKERT. No, no, no, you—because you are going exactly where I want—can you help young persons, older people, people who, you know, they get their news from fringe, crazy things here understand through that disclosure you are being manipulated, you are being used. These people are trying to exploit you.

Mr. DEUTCH. Right. I think it is important to remember that, while there is a serious effort to do that that is coming from the outside, what they are manipulating—

Mr. SCHWEIKERT. Yes.

Mr. DEUTCH [continuing]. Is the algorithms of the social media companies.

I think we should start by expecting that the social media companies enforce their own rules about the kind of content on their platforms that put Jewish students, in particular in recent months, in harm's way.

Mr. SCHWEIKERT. Mr. Chairman, the former congressman sort of went—I wish we as a body could have a more holistic discussion, because today it is antisemitism. It is burning down and moving back to a historic evil. And it will tear civil society apart.

And look, I have a piece of legislation to try to provide more flexibility for the Religious Institutions Security Act, because how many of my schools actually now have to have armed guards there, and

things of that nature. I wish we would actually look at a number of these ways we can protect each other.

And then we have to have a conversation again. What the hell happened when my—the wonderful people—my leftist neighbor pulled off the “Coexist” bumper sticker and went the other direction. What snapped? I am not smart enough to understand it, but I am actually quite worried not only for my Jewish community, but for my country.

I yield back.

Chairman SMITH. Thank you. Mr. LaHood is recognized for questions.

Mr. LAHOOD. Thank you, Chairman Smith, for holding this hearing today. I want to thank the witnesses for your valuable testimony here today and your passion.

Welcome back, Congressman Deutch. Good to have you here.

Since the atrocious terrorist attacks committed by Hamas on October 7, we have seen widespread antisemitic activity on our college campuses, as has been alluded to today, one estimate reporting a 321 percent increase from 2022. What is worse, we have seen a complete lack of leadership by university leaders and campus administrators at many institutions, leaving Jewish students, faculty, alumni, and community members without any actual protection or support.

As we continue to see this antisemitism rage on college campuses, I think it is important to consider the U.S. Department of Education’s role here, as well. As many of you know, Title VI of the Higher Education Act prohibits discrimination based on national origin and shared ancestry, among other things—and it is supposed to be enforced by the Department of Education’s Office of Civil Rights, also known as OCR.

Unfortunately, OCR too frequently settles these cases with schools through resolution agreements instead of making a final determination about whether a Title VI violation actually occurred. As a result, it appears that many schools avoid scrutiny and accountability for their actions by implementing short-term remedial corrective actions, as directed by the Department of Education.

Mr. Marcus, I appreciate your public service. As we look at this ability of the Department of Education and their Office of Civil Rights to enforce Title VI violations, I am just curious. As we look at the last eight months and what has gone on in these college campuses, I am curious what you think, your opinion on whether the Biden Administration has done a good job in enforcing Title VI and handling these complaints of antisemitism that we have seen across the country.

Mr. MARCUS. Thank you, Congressman LaHood.

I think that this Administration has done some things well with respect to antisemitism, especially in outreach, public messaging, and transparency. But the investigations have been extremely slow, the policy formulations have been weak. There have been too few in the way of resolutions, and there have been dismissals that I think are hard to defend. So I would say it has been a mixed bag.

And I would also say that you make a good point about the problem that some cases that should lead to a final disposition and perhaps punishments are resolved perhaps prematurely, but in ways

that the statute may require because, by statute, OCR must seek a voluntary resolution, and in some cases that does weaken their response.

Mr. LAHOOD. Can you give us any examples in the last eight months where there has been a determination that has been done that will send a deterrent message to this type of behavior by universities?

Mr. MARCUS. No, sir, not in the last eight months with respect to a university.

With respect to the Davidson School, which is K-12 in the last month, perhaps. With respect to the last maybe 16 months, the University of Vermont. So there have been a couple of cases that have sent useful signals, but not enough, not recently enough, and especially not recently with respect to higher education.

Mr. LAHOOD. Well, I would agree with that. Can you tell me if a proper civil judgment was, you know, put in place against a university or a college through the Title VI process, tell me what that would do in terms of sending a message from a financial standpoint and a deterrent message of the consequences for the lack of enforcement.

Mr. MARCUS. So monetary judgments can sometimes be available under title 6 with a private lawsuit, but those are expensive, not available to everyone, and time-consuming.

Under the OCR process, there are very few instances in which money damages are available. If there were an ability to get money damages, it would presumably provide a nice incentive effect. I think that that would be a useful addition to the process.

Mr. LAHOOD. Is it your recommendation that we ought to think about statutory changes to make the enforcement mechanism stronger and more robust?

Mr. MARCUS. Yes, sir. The process is—it is slow, it is weak, and I think it would be useful to consider strengthening it not just for Jewish students, but for all.

Mr. LAHOOD. Thank you.

I yield back.

Chairman SMITH. Mr. Larson.

Mr. LARSON. Thank you, Mr. Chairman, and I want to thank all the witnesses, especially Talia.

And for all you have been through, we appreciate your testimony and your passion and commitment.

Also, Mr. Chairman, I want to commend—this is—not often on the committee do we see unanimity in terms of the forthright concern about antisemitism, and some of the compelling testimony, and also some of the compelling questions from our colleagues.

Along the lines of what a number of members have said, I wanted to ask our former colleague, Mr. Deutch, especially because you are so familiar with the process.

I would like to submit for the record a report from the Department of Education that shows that the Department of Education Office of Civil Rights has received a record number of discrimination complaints while losing Department staff, and so that kind of cuts to the question that Mr. Marcus was asked, as well, et cetera, and also plays to your response with regard to the administration. If your budget is cut, and you have record number of complaints,



and were not receiving the resources, and the Department of Education isn't able to meet these critical cases, what happens, especially when cases are put forward and they are left open for months.

[See the Fiscal Year 2023 Annual Report:]



# Fiscal Year 2023

## Annual Report

*Report to*  
THE PRESIDENT  
*and*  
SECRETARY OF  
EDUCATION



U.S. Department of Education  
Office for Civil Rights

## U.S. Department of Education Office for Civil Rights

Catherine E. Lhamon, Assistant Secretary for Civil Rights

2024

This report is submitted under Section 203(b)(1) of the Department of Education Organization Act of 1979, Pub. L. No. 96-88, which provides: "The Assistant Secretary for Civil Rights shall make an annual report to the Secretary, the President, and the Congress summarizing the compliance and enforcement activities of the Office for Civil Rights and identifying significant civil rights or compliance problems as to which such Office has made a recommendation for corrective action and as to which, in the judgment of the Assistant Secretary, adequate progress is not being made." 20 U.S.C. §3413(b)(1).

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The report's citation should be:

U.S. Department of Education, Office for Civil Rights

Report to the President and Secretary of Education Under Section 203(b)(1) of the Department of Education Organization Act, FY 2023, Washington, DC, 20202.

This report is also available on the Office for Civil Rights website at <http://www.ed.gov/ocr>.

Any updates to this report will be available at this website.

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## *Message from the* ASSISTANT SECRETARY *for* CIVIL RIGHTS



The Office for Civil Rights (OCR) vigilantly enforces federal civil rights laws in schools and other recipients of Department of Education federal funding throughout the nation—resolving case investigations, publishing policy resources, providing school and community technical assistance, collecting and reporting data, and managing and sustaining an expert staff working in 12 regional offices. This report highlights the results of that work in fiscal year (FY) 2023, affirming OCR's indispensable role upholding the civil rights of all persons protected by our nation's laws.

This report describes case resolutions this fiscal year requiring a school community to stop segregating its students with disabilities from their general education peers; prohibiting school districts from disregarding their responsibility to address the civil rights effects of sexual assault, rape, and other egregious misconduct, including from school staff who sometimes serially perpetrate such conduct as well as from student peers; ensuring postsecondary institutions and school districts address race-based, antisemitic, and disability-based harassment of students that limit their access to education; confirming again schools' obligation to end discriminatory discipline practices based on disability and race; stopping a school from excluding a nonbinary child from in-person instruction as a response to unrelenting harassment from peers; recommitting schools to provide girls and boys and men and women, and students with disabilities, equal access to athletics; and ending school practices that deny students the supports—including the wheelchair that lets a child physically access the education a district offers—they need to learn. The continued need for reminders and enforcement of these core civil rights requirements is disheartening. Yet, school communities' commitments to right what had been wrong and to support their students' full and fair access to education inspire me, protect students, and fulfill our nation's highest aspirations for whom we will be. We in OCR were pleased to support school communities to understand and fulfill those commitments with 11 policy resources to provide school communities with concrete information about statutory and regulatory requirements, reminding them of how they must serve their communities. And we are pleased to share technical assistance resources to cement knowledge about what the law is and how we enforce it.

I am deeply grateful to OCR's policy staff for crafting and publishing information for parents, students, and schools about how the laws we enforce apply to particular facts and for crafting updates to the regulations implementing the laws in our jurisdiction; to OCR's enforcement staff for giving their all

*Report to THE PRESIDENT and SECRETARY OF EDUCATION*

to fulfill civil rights guarantees for everyone who needs us; to OCR's data scientists for working with schools throughout the nation to collect and report civil rights indicators; and to OCR's resource management team and Freedom of Information Act (FOIA) and customer service experts who sustain the operational effectiveness and responsiveness of our work. Together, OCR this year achieved needed change for students in schools across our jurisdictional areas. I look forward, in the coming year, to our continued forward progress to deliver more justice.

Sincerely,

Catherine E. Lhamon

Assistant Secretary for Civil Rights

## EXECUTIVE SUMMARY *and* REPORT HIGHLIGHTS

In FY 2023, OCR confronted the highest volume of complaints in our history, receiving **19,201** complaints. That number represented a 2% increase over our previous record high in FY 2022 of 18,804 complaints. Nonetheless, we kept pace with the high volume, resolving **16,448** cases compared to the previous fiscal year's 16,515 cases, and achieving the third highest number of complaint resolutions in OCR history. Simultaneously, OCR managed the increasing complexity of civil rights concerns in this caseload; initiated 10 proactive, targeted compliance reviews; supported school communities' civil

rights compliance through publication of 11 sets of policy resources and guidance, as well as the provision of 197 technical assistance presentations; developed revised regulations; implemented optional opt-in mediation for more expeditious case resolutions; recruited, onboarded, and trained 60 new staff to help manage our docket effectively; instituted core safeguards to ensure the high quality of our work persists; responded to more than 4,400 inquiries and 1,276 Freedom of Information Act (FOIA) requests for information; and secured a 45% increase in the number of case resolution agreements obtained compared to the prior fiscal year (which had already been an increase compared to the one before that). These pages highlight and reflect the scope and impact of our work both to safeguard civil rights in the nation's schools during FY 2023 and lay a foundation for the efficient, effective, and robust assurance of civil rights still to come.



## The OFFICE FOR CIVIL RIGHTS: OVERVIEW *and* TRENDS

### MISSION AND SCOPE

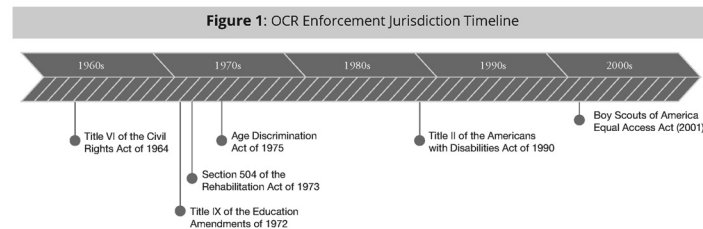
OCR's mission is to ensure equal access to education and to promote educational excellence across the nation through the vigorous enforcement of civil rights laws. The office safeguards the rights of students through the investigation of possible violations of civil rights laws, including Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), the Age Discrimination Act of 1975, and the Boy Scouts of America Equal Access Act of 2001. In addition, OCR safeguards students' rights by developing policy guidance to assist schools and other educational institutions receiving federal financial assistance in understanding how OCR interprets and enforces federal civil rights laws, by disseminating

information and technical assistance about students' rights and schools' responsibilities, and by collecting and reporting data on key education and civil rights issues in our nation's public schools.

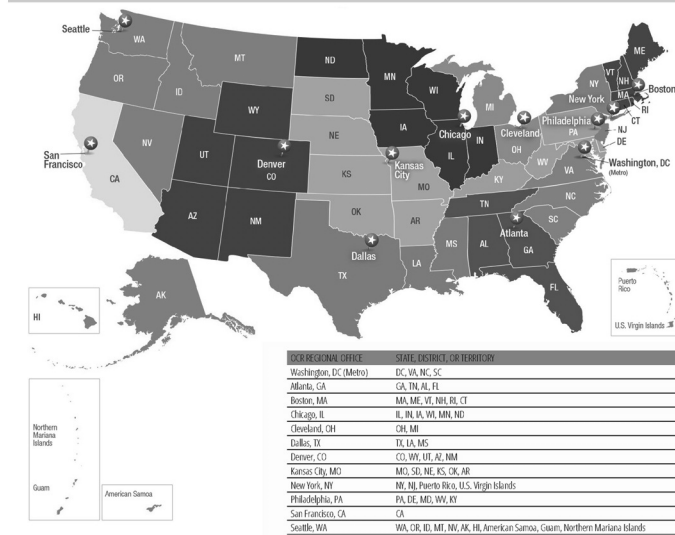
OCR's mandate to eliminate discriminatory barriers in education reaches more than 79 million individuals at institutions that receive federal funds, including all state educational agencies; approximately 18,100 local educational agencies; approximately 6,000 postsecondary institutions, including proprietary schools and community colleges; 78 state vocational rehabilitation agencies and their sub-recipients; and other institutions that receive U.S. Department of Education financial assistance, such as libraries, museums, and correctional institutions.

### JURISDICTION

OCR ensures equal access to education for our nation's students by enforcing the following federal civil rights laws and their implementing regulations that prohibit discrimination on the basis of race, color, national origin, sex, disability, and age in all education programs and activities that receive financial assistance from the Department (see Figure 1):





**Figure 2: Map of the OCR Regional Offices\***

- Title VI of the Civil Rights Act of 1964 (prohibiting race, color, and national origin discrimination, including discrimination based on shared ancestry or ethnic characteristics);
- Title IX of the Education Amendments of 1972 (prohibiting sex discrimination);
- Section 504 of the Rehabilitation Act of 1972 (prohibiting disability discrimination);
- Title II of the Americans with Disabilities Act of 1990 (prohibiting disability discrimination in State and local government services –

regardless of whether programs receive federal financial assistance);

- Age Discrimination Act of 1975 (prohibiting age discrimination); and
- Boy Scouts of America Equal Access Act of 2001 (prohibiting public elementary and secondary schools, local educational agencies, and state educational agencies from discriminating against, or denying equal access or a fair opportunity to meet to, any group officially affiliated with the Boy Scouts of America, or any other youth group listed as a patriotic society in Title 36 of the United States Code).

### STRUCTURE AND FUNCTIONS

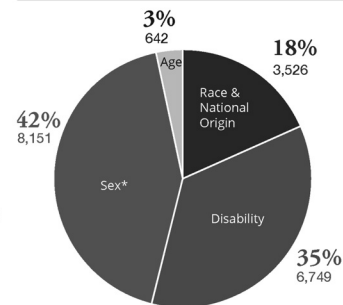
The Assistant Secretary for Civil Rights, who serves at the pleasure of the President of the United States and is appointed with the advice and consent of the U.S. Senate, leads the Office for Civil Rights. During FY 2022, the Office of the Assistant Secretary for Civil Rights included a Principal Deputy Assistant Secretary, a Deputy Assistant Secretary for Enforcement, a Deputy Assistant Secretary for Policy, a Deputy Assistant Secretary for Strategic Operations and Outreach, a Deputy Assistant Secretary for Management and Operations, a Chief of Staff, three Senior Counsel, and two Confidential Assistants.

OCR serves our nation's students through a headquarters office and 12 regional offices located across the country. Our headquarters and the DC Metro regional office are located in Washington, D.C. The remaining 11 regional enforcement offices are in Atlanta, Boston, Chicago, Cleveland, Dallas, Denver, Kansas City, New York, Philadelphia, San Francisco, and Seattle (see Figure 2).

### ENFORCEMENT AND STAFFING TRENDS

FY 2023 saw a continued increase in complaints filed with OCR, at 19,201 complaints received, up from 18,806 in FY 2022 and 8,934 in FY 2021. The total number of complaints has almost tripled since FY 2009, and during this same period OCR's number of full time equivalent (FTE) staff has decreased from 629 to 556. Typically, over the years, the majority of complaints received have raised allegations regarding disability. In FY 2023, however, a single individual filed 5,590 complaints raising sex discrimination allegations; this high volume altered the ratio of complaint filings for this fiscal year. With these data, complaints of race, color, or national origin discrimination comprised 18% (3,526) of all complaints received

**Figure 3: Percentage of Complaints Received by Type of Alleged Discrimination (FY2023)**



\*5,590 complaints were filed by a single individual

comprised 35% (6,749) of all complaints this year, up from 30% in FY 2022; sex discrimination complaints comprised 42% (8,151) down from 50% in FY 2022; age discrimination complaints comprised 3% (642); and complaints under the Boy Scouts of America Equal Access Act comprised 0.2% (57) (See Figure 3).

Over the life of the agency, OCR's overall staffing level has declined significantly – falling from nearly 1,100 FTE staff in FY 1981 to 556 FTE staff in FY 2023. This reduction comes even as the volume of complaints received has grown significantly, increasing from under 3,000 in FY 1981 to 19,201 in FY 2023.

### FULFILLING FREEDOM OF INFORMATION ACT REQUESTS AND RESPONDING TO PUBLIC INQUIRIES

In FY 2023, OCR processed 1,276 FOIA requests, with an increase in timely closures of 21.8% over FY 2022, and a 37% overall decrease of



OCR's FOIA backlog. In addition, OCR's OPEN Center responded to 4,439 inquiries—an average of 85.36 per week—regarding the scope and reach of the laws OCR enforces. In March 2023, the OPEN Center implemented new protocols for its customer service team to increase response accuracy and improve overall timeliness and tracking. Through this greater oversight, the customer service team realized a 14% improvement in accuracy and timeliness of its responses. The OPEN Center also processed 95 inquiries from members of Congress during FY23. Through the [Reading Room](#), OCR provided access to information to educational institutions, state and local educational agencies, parents, students, and members of the general public about complaints filed, resolution agreements, correspondence, guidance, and more.

#### **MAXIMIZING EFFICIENCY AND EFFECTIVENESS IN ENFORCEMENT**

Fiscal Year 2023 was the first full fiscal year during which OCR offered mediation for any complaint topic at complainants' request at the time of filing, creating a new option for speedy resolution using OCR's mediation expertise where OCR has jurisdiction and the parties are willing to mediate. OCR successfully mediated 422 complaints in FY 2023 using this new resolution option, managing the incoming caseload and helping

school communities achieve results they and complainants agreed on—in as few as 44 days from complaint filing to signed agreement—to redress allegations ranging from discriminatory harassment to physically inaccessible school buildings to disparate treatment on the basis of race. Using this new mediation option, as well as the mediation of cases at OCR's initiation, OCR increased our successful mediations by nearly 400% compared to the previous fiscal year, securing 551 mediation agreements in FY 2023 compared to 148 mediation agreements in FY 2022.

In addition, OCR investigators made efficient and effective use of our Rapid Resolution Procedure, resolving a total of 213 cases through this process. As just one example of its effectiveness, in March 2023, OCR investigators swiftly resolved an investigation of allegations that the New York Department of Education failed to provide a nurse for a student with a disability during field trips and department-sponsored swimming classes and failed to convene the Section 504 team to discuss provision of a nurse for these activities. During the course of OCR's investigation, the department took necessary steps to ensure compliance with Section 504, including developing a protocol for handling nurse absences to ensure coverage is provided for students with disabilities entitled to nursing services during field trips (including the student on whose behalf OCR investigated); convening a Section 504 team to reevaluate the student and modify the student's plan as needed; and training school staff regarding relevant Section 504 obligations. OCR investigated and fully resolved this case in 149 days, securing needed departmental change with no need for future commitments because we had achieved complete resolution using the Rapid Resolution Procedure.

## AMPLIFYING THE IMPACT: NOTABLE OUTREACH *and* COLLABORATIVE ACTIVITIES

In FY 2023, OCR partnered with other components of the Department of Education, as well as other federal agencies, to amplify the application of laws in our jurisdiction and the ways OCR works to protect the civil rights of all students.

For example, OCR helped lead the Department of Education's response, together with the Civil Rights Division of the Department of Justice (DOJ), to the U.S. Supreme Court's June 2023 decision in *Students for Fair Admissions, Inc. v. Harvard College and the University of North Carolina*, which limited the use of race in selective college admission programs. In the weeks following the decision, OCR participated in the Department of Education's National Summit on Equal Opportunity in Higher Education, which the Department hosted to highlight strategies that institutions of higher education are employing to promote diversity in higher education, consistent with the law. In addition, OCR worked with DOJ to develop and publish resources that help colleges and universities understand and comply with the Court's decision.

In FY 2023, in response to the rise in book bans in school communities across the country, OCR

named a coordinator for responding to book bans in order to support the public and school communities in understanding the civil rights impact that book restrictions can have and the circumstances under which such restrictions can violate federal civil rights laws.

OCR's outreach and public education this fiscal year included participation in the development and implementation of the Biden-Harris administration's [National Strategy to Counter Antisemitism](#), released in May 2023. In the months leading up to release, OCR actively participated weekly in the interagency working group to develop and inform the National Strategy. OCR also issued a [Dear Colleague Letter](#) reminding schools of their legal obligation under Title VI to address complaints of discrimination—including harassment based on race, color, or national origin—and reaffirming that these protections extend to Jewish students.

OCR also participated in the Department of Education's Free to Learn conference, organized by the Department's Center for Faith-Based and Neighborhood Partnerships. The convening focused on creating and maintaining equal opportunity and safety for students of all faiths and none, highlighting strategies for preventing and addressing bullying that students may experience because of their actual or perceived religious affiliation. OCR highlighted our Title VI enforcement work to protect students from discrimination based on shared ancestry. Such discrimination can occur when students are subjected to ethnic or ancestral slurs; harassed for the way they look, dress, or speak in ways linked to ethnicity or ancestry (such as skin color, religious attire, and language spoken); or stereotyped based on perceived shared ancestral

or ethnic characteristics. Hindu, Jewish, Muslim, and Sikh students, among others, may be discriminated against based on shared ancestry or ethnic characteristics.

In our ongoing work to protect the civil rights of students with disabilities, OCR joined the White House and agency partners to mark the 50th anniversary of the landmark Rehabilitation Act of 1973. Section 504 of the Act is a cornerstone of OCR's enforcement work to ensure that students with disabilities have equal access to educational programs and activities in K-12 schools and institutions of higher learning. OCR hosted the White House and the Department of Health and Human Services at an anniversary event to highlight the ongoing important benefits to students and the nation of effective and robust enforcement of this important law.

#### TECHNICAL ASSISTANCE

Every year, OCR provides technical assistance to schools and communities around the country on longstanding and emerging civil rights issues. In FY 2023, through both in-person and virtual

convenings, OCR's regional offices provided 197 technical assistance sessions to schools, communities, and organizations on various aspects of the civil rights laws OCR enforces.



#### POLICY RESOURCES: AN OVERVIEW

During FY 2023, OCR published 11 policy guidance and resource packages addressing a wide range of civil rights topics, as summarized in Figure 4 below. When appropriate, OCR issues these resources jointly with other civil rights offices, such as the Civil Rights Division of the United States Department of Justice (DOJ), as reflected in Figure 4 and below in this Report.

**Figure 4:** Policy Resources Issued in FY 2023

Statute	Issue/Release Date	Description
Title VI	Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics January 4, 2023	Describes the ways that Title VI protects students who are or are perceived to be Jewish, Christian, Muslim, Arab, Sikh, Hindu, Buddhist, or of another religious or ethnic group
	Diversity and Inclusion Activities under Title VI January 31, 2023	Assists school communities in understanding that activities intended, in whole or in part, to further objectives such as diversity, equity, accessibility, and inclusion are not generally or categorically prohibited under Title VI
	Dear Colleague Letter on Addressing Discrimination Against Jewish Students May 25, 2023	Reminds schools of their legal obligations under Title VI to provide Jewish students with a school environment free from discrimination

## Report to THE PRESIDENT and SECRETARY OF EDUCATION

Statute	Issue/Release Date	Description
Title VI	Resource on Confronting Racial Discrimination in Student Discipline May 26, 2023 (released jointly with DOJ)	Explains the Title VI prohibition on discrimination based on race, color, or national origin and describes how Departments of Education and Justice, under Title VI and Title IV, resolve investigations involving concerns about discrimination in schools' use of out-of-school suspensions, expulsions, school-based arrests, referrals to law enforcement, involuntary discipline transfers, informal removals, and other disciplinary actions against Black, Latino, and/or Native American students
	Ensuring Meaningful Participation in Advanced Coursework and Specialized Programs for Students Who are English Learners June 20, 2023	Discusses legal requirements for ensuring English learners' access to specialized programs, and reminds schools that students who are English learners are entitled to appropriate language assistance services
	Protecting Access to Education for Migratory and Unaccompanied Children June 14, 2023 (released jointly with DOJ)	Highlights specific challenges some migratory children and unaccompanied children may face while accessing public education, and reminds public schools of their responsibilities to them under Title VI
	Resources on Students for Fair Admissions, Inc. v. President and Fellows of Harvard College and Students for Fair Admissions, Inc. v. University of North Carolina et al. (SFFA cases) August 14, 2023 (released jointly with DOJ)	Distills the U.S. Supreme Court holding and share information regarding lawful activities to pursue racially diverse campuses and include students with a range of viewpoints, talents, backgrounds, and experiences
	Dear Colleague Letter on Race and School Programming August 24, 2023	Clarifies the circumstances under which schools can, consistent with Title VI, develop curricula and programs or engage in activities that promote racially inclusive school communities
Title IX	Resources on Equal Athletic Opportunities February 17, 2023	Three new resources to support equal opportunity in athletic programs consistent with Title IX, including an overview resource with examples of the kinds of situations that could, depending upon facts and circumstances, raise Title IX concerns at any education level; a specialized resource for K-12 schools; and a specialized resource for colleges and universities
	Resource on Discrimination Based on Pregnancy and Related Conditions October 4, 2022	Reminds school communities that Title IX protects students and employees from discrimination based on pregnancy and related conditions
Section 504 and Title II of the Americans with Disabilities Act (ADA)	Joint Letter on Postsecondary Online Accessibility May 19, 2023 (released jointly with DOJ)	Describes current online accessibility challenges for people with disabilities, and ways schools can be proactive about ensuring the accessibility of their digital content and technology in compliance with Section 504 and Title II

## TITLE VI: *Discrimination Based on Race, Color, or National Origin*

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities operated by recipients of federal funds. It states: “No 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.” Title VI’s protections apply to all public elementary and secondary schools and to all colleges and universities—public or private—that receive federal financial assistance. Its protections extend to all aspects of these institutions’ programs and activities. When enforcing Title VI, OCR works to ensure equal access to education services and benefits, and to prevent acts of retaliation against those who report Title VI violations.

### POLICY RESOURCES

During FY 2023, OCR issued several resources to support full implementation of Title VI, including the following:

- In January 2023, OCR issued a fact sheet, [Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics](#), describing how Title VI protects students who are, or are perceived to be, Jewish, Christian, Muslim, Sikh, Hindu, Buddhist, or members of another religious group from discrimination, including harassment based on shared ancestry.

- In January 2023, OCR released the [Diversity & Inclusion Activities Under Title VI](#) fact sheet, which clarifies the scope of Title VI protection against race and national origin discrimination and confirms that diversity, equity, and inclusion activities are not generally or categorically prohibited under Title VI.



We applaud the Administration’s decision to clearly and straightforwardly establish that diversity, equity, and inclusion training programs are in complete accordance with existing civil rights law. It reflects the current state of our nation that this fundamental aspect of civil rights law needs to be clarified.”

*Janaei S. Nelson, President and Director-Counsel, NAACP Legal Defense Fund (LDF)*

- In May 2023, OCR issued a [Resource on Confronting Racial Discrimination in Student Discipline](#) jointly with the Civil Rights Division at DOJ. This resource explains the Title VI prohibition on discrimination based on race, color, or national origin and confirms that such discrimination continues to be a significant concern in school communities. The resource also explains that the Title VI prohibition applies to any program or activity of a recipient of federal funds directly or through contractual arrangements and summarizes examples of resolutions from OCR and DOJ on the topic over the current and two most recent presidential administrations.
- In May 2023, OCR released a [Dear Colleague Letter on Addressing Discrimination Against Jewish Students](#). This letter reminds schools of

their legal obligations under Title VI to provide all students, including students who are or are perceived to be Jewish, a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics

- In June 2023, OCR released [Protecting Access to Education for Migratory Children and Protecting Access to Education for Unaccompanied Children](#), both in partnership with the DOJ Civil Rights Division. These fact sheets highlight specific challenges some migratory children and unaccompanied children may face while accessing public education. They also explain where families can seek help and remind public schools of their responsibilities to migratory and unaccompanied children under Title VI (enforced by OCR and DOJ) and Title IV of the Civil Rights Act of 1964 (enforced by DOJ).
- In June 2023, OCR released [Ensuring Meaningful Participation in Advanced Coursework and Specialized Programs for Students Who Are English Learners](#). This fact sheet explains the legal requirements under Title VI that schools must follow to ensure that eligibility requirements and procedures for specialized or advanced educational programs do not screen out students who are English Learners because of their limited English proficiency, unless a program is demonstrated to require English proficiency for meaningful participation.
- In August 2023, in partnership with the DOJ Civil Rights Division, OCR issued resources to help colleges and universities understand the U.S. Supreme Court's decisions in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College* and *Students for Fair Admissions, Inc. v. University of North Carolina et al.*, as

postsecondary institutions continue to work to lawfully pursue efforts to achieve a student body that is diverse across a range of factors, including race and ethnicity. The Departments' [Dear Colleague Letter](#) and [Questions and Answers Resource](#) distill the Court's core holding and offer examples of steps colleges and universities can lawfully take to achieve a student body that is diverse across a range of factors, including race and ethnicity. These steps include targeted outreach, recruitment, and pathway programs; evaluation of admission policies; and retention strategies and programs.



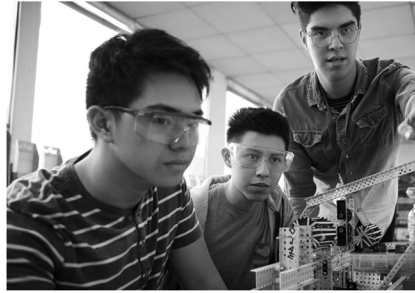
Today's guidance from the department's Office for Civil Rights (OCR) is a welcome reminder that not only does Title VI of the Civil Rights Act of 1964 continue to allow for discussions of race, but that race consciousness is often required in order to achieve equal educational opportunity. The civil rights community has called for such guidelines over many months and welcomes this much needed step in the fight to ensure equal opportunity for all students."

*Maya Wiley, President and CEO, The Leadership Conference on Civil and Human Rights*

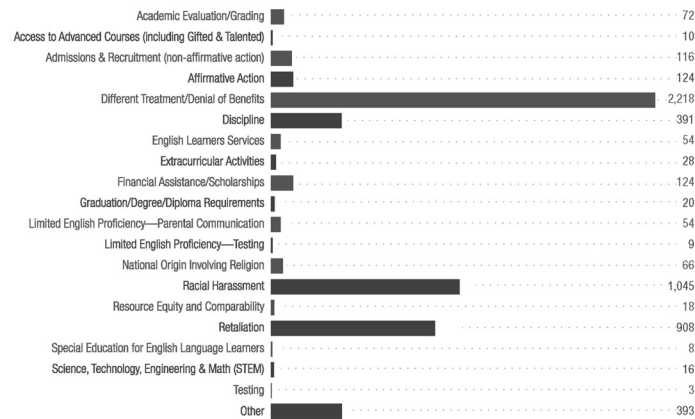
- In August 2023, OCR released a [Dear Colleague Letter on Race and School Programming](#) to clarify the circumstances under which schools can, consistent with Title VI, develop curricula and programs or engage in activities that promote racially inclusive school communities. The letter explains that Title VI generally does not restrict school districts from holding assemblies, meetings, focus groups, or listening sessions that relate to students' experiences with race in their school or community. It also



states that school-sponsored or recognized groups or programs with a special emphasis on race, such as a student club or mentorship opportunity, that are open to all students, do not violate Title VI simply because of a race-related theme. However, the DCL notes that schools may violate Title VI when they separate students based on race or treat individual students or groups of students differently based on race. It clarifies that schools may also violate Title VI when they create, encourage, accept, tolerate, or fail to correct a racially hostile educational environment



**Figure 5:** Title VI Complaint Allegations Received in FY 2023



Total Number of Complaints Raising Title VI Issues, **FY 2023 = 3,526**

Note: A single complaint can raise multiple issues; therefore, the total number of issues raised will exceed the number of complaints received.

**ENFORCEMENT**

In FY 2023, OCR resolved 3,001 Title VI complaints that, collectively, addressed Title VI-related issues in institutions across the nation (see Figure 5) that range from allegations of race harassment to allegations of discrimination against English Learner students and their families. The following case resolutions illustrate OCR's investigative work over the fiscal year to enforce Title VI.

**Combating Harassment Based on Race, Color, or National Origin, including Shared Ancestry**

**John Doe University:**<sup>1</sup> At a university, a student reported experiencing repeated race-based harassment, including suffering a physical attack and repeated verbal abuse. On one occasion, an instructor slapped the student's hand and asked the student whether their response was typical of their race: "Why are you breathing heavily? Do all [redacted] breathe heavily like you?" The student experienced ongoing stress in response to the differential treatment based on race, and their efforts to seek redress through the university's complaint system were unsuccessful. OCR's investigation revealed that the university had reason to suspect the existence of a hostile environment but failed to determine whether the harassment had been based on race. The investigation also raised concerns about the adequacy of the university's response once it received actual notice of the physical attack and verbal harassment. The university appeared to believe – incorrectly – that it lacked jurisdiction to investigate because the alleged discrimination occurred in a clinical internship program.

To remedy OCR's concerns, in January 2023, the

university agreed to allow the complainant to re-enroll in the relevant course at no cost and to change a failing grade the student had received in a course. The university also agreed to train staff on Title VI legal requirements, provide students with notice of how to file complaints of discrimination and retaliation with the university, and track complaints of discrimination.

**Torrington Board of Education (CT):** In September 2023, OCR resolved an investigation of this school district's response to race-based harassment, which included multiple students being called racial slurs in an online group chat. The online chat was then shared and discussed among students while in the classroom. In response, the district initiated disciplinary proceedings for "inappropriate language," but it did not follow its own nondiscrimination procedures or otherwise take steps to ensure that

it addressed a potential racially hostile environment. OCR's investigation also indicated systemic concerns with the district's tracking of and response to race-based incidents. For instance, the district originally asserted that no other race-based complaints existed, but subsequently produced nearly two dozen case files of such incidents, most of which were incomplete and signaled inadequate mechanisms to track and address Title VI complaints.

To remedy these concerns, the school district committed to provide a forum for impacted students to discuss the incident with the Superintendent and to offer individual supports to these students. The agreement also requires the district to revise district procedures to ensure appropriate processing of race-based complaints, comprehensive annual trainings for all district

<sup>1</sup> OCR has not disclosed the actual name of the institution in this case because of privacy considerations.

staff, age-appropriate instructional programming for district middle- and high-school students, a climate survey for students with an annual audit and responsive action plan based on the results, and an obligation to create and maintain accurate recordkeeping systems for race-based complaints.

**Ottumwa Community School District (IA):** An OCR investigation determined that a student had been subjected to a hostile environment for two years due to race harassment and that the school district violated Title VI because it had notice of the hostile environment but failed to take necessary steps to protect the student. The harassment included racial slurs, including calling the student the “n” word, a “slave” to white students, “blackie,” and “cotton-picker.” Students also made monkey noises in class toward the student and raised their fists in the air to mock Black Power. One white student used the term KKK as a reference to the “Kool Kids Klub,” and another knelt on a Gatorade bottle in the student’s presence and said, “It can’t breathe,” mimicking George Floyd’s death. OCR concluded that school administrators were insufficiently responsive to these incidents and that the district disregarded its obligations to investigate whether its response to the reported harassment was effective in eliminating the hostile environment. OCR also did not find evidence that the district addressed either the cumulative effect of the incidents on the harassed student or the impact the widespread conduct may have had on other students.

In December 2022, the district entered into a resolution agreement committing it to publishing an anti-harassment statement, reviewing and revising its policies and procedures to address Title VI’s prohibition on harassment, training district staff, providing age-appropriate information programs to

address race harassment, conducting a climate survey to assess the prevalence of harassment in the student’s former school, and providing suggestions for effective ways that the district can address harassment.

**Beecher Community Unit School District 200 (IL):** In June 2023, OCR resolved an investigation of a Title VI complaint alleging that this school district had discriminated against students when it failed to respond to repeated instances of racial harassment occurring over two school years. The harassment included classroom PowerPoint presentations with Confederate flags that were unrelated to the subject matter for discussion, Snapchat messages circulated during school hours calling someone the “n” word and dehumanizing the individual by saying “It” was here to deliver an item. During a classroom activity that used an online platform, a white student identified himself as “Ni99er,” and on another occasion white students shook the school bus as Black students were exiting. The investigation revealed that the district did not adequately investigate possible racially harassing conduct, nor did it appear to consider the totality of the circumstances and the



cumulative effects of the race harassment. OCR also identified concerns that the district did not take steps reasonably designed to prevent the harassment from recurring or remedy the effects of the harassment on students.

To resolve the complaint, the district agreed to investigate allegations from previous school years and remedy the effects of racial harassment with compensatory services, offer training to staff and students on race discrimination and harassment, and develop a school climate survey to administer to students at the school with approval from OCR. The district also agreed to maintain documents relating to specific complaints or other reports of racial harassment to ensure that its files contain all information necessary to process complaints under Title VI.

**University of Vermont and State Agricultural College (VT):** In April 2023, OCR resolved a complaint alleging that this university had failed to respond effectively to reports of antisemitic harassment. OCR's investigation revealed that the university's Office of Equal Opportunity declined to investigate incidents after receiving notice of targeted antisemitic harassment on campus, including allegations that a teaching assistant had posted on social media about not giving Jewish students course participation credit, subtracting points from Jewish students' work, celebrating the theft of an Israeli flag from a Jewish student's residence, and adding the word "Kristallnacht" above a picture of a damaged storefront with accompanying Hebrew text. OCR's investigation also reflected that the university did not effectively investigate allegations that students threw rocks and other objects at an on-campus Jewish students' center and dormitory. OCR had concerns that these failures to investigate and the university's

failure to communicate to students responsive actions it took.

To remedy these concerns, the university agreed to review and revise its nondiscrimination policies and procedures to ensure compliance with Title VI, including by developing protocols clarifying the roles of university staff in resolving allegations of discrimination. The university also agreed to provide training to university leadership, staff, and students on Title VI and its prohibition on harassment based on national origin and shared ancestry, and, on an annual basis, to submit to OCR copies of case files of complaints of antisemitism filed during the previous year. Finally, the university agreed to publicly commit to addressing antisemitism and other forms of shared ancestry discrimination on campus, and to review campus climate surveys to determine whether further action is needed.

“

In the wake of this landmark settlement — the first of its kind — there has been a remarkable evolution in visible support for Jewish students, updated policies, and improved systems and processes for bias reporting. In short, Jewish life at UVM is thriving. Even as we face rising levels of antisemitism around the country and flurries of activity on campus, the Title VI resolution and subsequent policy, systems, and process changes on campus have helped Jewish students feel better supported at UVM.”

***Matt Vogel**, Executive Director, University of Vermont Hillel*

### Also...

See **Forsyth County Schools**, p. 34  
(addressing race and sex discrimination)

### Combating Discriminatory Discipline

#### Winston-Salem/Forsyth County Schools (NC):

OCR's investigation of this district revealed persistent and significant race disparities in district disciplinary referral and suspension rates, and evidence suggested that Black students had been subjected to harsher discipline than white students with similar discipline histories and conduct. During the 2022-2023 school year, the district reported that Black students received 57.2% of discipline resulting in in-school or out-of-school suspension, while white students received only 14.2% (as of March 2023). During that school year, 29% of district students were Black and 34% were white. The discipline code in effect prior to 2022 did not clearly define some of the most common offenses, which may have contributed to the different treatment of students based on race that the district's records suggested. While the district had recently revised its discipline code to include definitions for most offenses that should provide better guidance to staff, the revised 2022 code left OCR concerned about the clarity of the guidance to staff and administrators about when to make referrals and how to determine appropriate consequences, particularly given the broad range of potential consequences for many offenses.

In September 2023, to resolve the investigation, the district committed to take steps to ensure disciplinary practices do not discriminate against students on the basis of race by agreeing to review its current discipline code to determine if further revisions are necessary; train administrators and staff; collect complete and accurate data on all disciplinary referrals; analyze its current discipline data for evidence of unlawful discrimination or failure to comply with the discipline code; take corrective actions to address

any concerns it identifies through its data analysis; coordinate with local law enforcement agencies on School Resource Officer data collection, training, and monitoring; conduct an assessment of alternative school programs for students who commit discipline violations to determine program effectiveness, as well as assess whether referrals to these programs are consistent with the district discipline code; provide information on its discipline policies for students and families; and submit to OCR annual reports regarding the effectiveness of its efforts for OCR review and assessment.

“

We want to be held accountable, and we're very committed to this work . . . This is work that we are really passionate about, and I'm glad this resolution came up because it's just going to make us reflect on what we're doing and how to make it better.”

*Tricia McManus, Superintendent, Winston-Salem/Forsyth County Schools*

### Ensuring Equal Opportunities for English Learners

#### Tucson Unified School District (AZ):

In investigating a complaint alleging that this school district had discriminated against English learner (EL) students based on national origin, OCR identified numerous Title VI violations. OCR found that the district failed to timely identify potential EL students in need of an English language development program and did not monitor the progress of those EL students who opted out of the program in attaining English proficiency or

accessing the core curriculum. Teachers did not know who the opt-out students were in their classes and did not provide EL services to all who qualified based on assessment scores.

Additionally, OCR found that individualized education program (IEP) teams did not consider dually identified students for any language assistance and the district failed to monitor students who were not meaningfully participating in the English language development program. Finally, OCR found that the district failed to document withdrawals from the program, failed to inform parents of the progress of students within the program, and failed to provide parents with all the information on the withdrawal process. After reviewing communications and student records, in addition to conducting witness interviews, OCR concluded that the district encouraged parents and students to withdraw from the program due to staffing shortages and provided parents with incomplete information on the withdrawal process in a language they could not understand. The district even removed students who indicated an interest in opting out before the parent withdrawal process was complete.

In April 2023, to resolve the complaint, the district agreed to implement new policies, procedures, and forms to provide language services to EL students; develop a plan to provide compensatory services to EL students; analyze the funding and staffing needed to properly serve EL students; provide parents with the necessary information on EL services and their right to opt out on behalf of their child; annually train all relevant staff on new policies, procedures and forms; and implement a plan to monitor the district's compliance.

**Los Banos Unified School District (CA):** In May 2023, OCR resolved complaints alleging



that this school district had failed to provide EL elementary students with an English Language Development (ELD) program. OCR found that the district's ELD plan failed to provide effective services to EL elementary students by failing to provide elementary sites with specific models of ELD delivery, not having descriptions of how sites should monitor EL student progress, failing to provide assistance with identifying and implementing intervention for at-risk students, and failing to have strategies in place for implementing EL services. OCR also discovered that teachers at the district often chose to ignore the district's ineffective ELD plan, and instead used alternative materials and curriculum.

The district agreed to revise its ELD plan to clarify program models, monitoring procedures, and interventions for at-risk or long-term EL students; create clear expectations for program implementation and site accountability; and implement a professional development program to support teachers and staff in the delivery of ELD instruction and monitoring of EL students.

**Douglas County School District (CO):** In August 2023, OCR resolved a complaint alleging that



this school district had discriminated against a student and her parent based on national origin when the school failed to ensure meaningful communication with the parent, whose primary language is not English. This communication lapse caused the student to be denied free and reduced lunch assistance and benefits due to incorrect reporting and resulted in the student incurring fines. During its investigation, OCR identified concerns relating to the district's process for identifying parents in need of communication services solely at the time of registration. Additionally, OCR did not find any indication of staff training on how to recognize when language services are needed, nor did the school's website provide information to students and parents on how to receive language assistance.

To remedy OCR's concerns, the district agreed to provide notice to the parent regarding the availability of language assistance services, and provide the parent with a point of contact for future requests for such services; develop a plan for oral and written language assistance at the school for national origin minority parents

and guardians with limited English proficiency; disseminate the plan following OCR's approval (LEP); and train school administrators and staff who interact with LEP parents/guardians of school students.

#### **Learning Community Public Charter School**

**(RI):** After investigating a complaint alleging this school district had discriminated against parents with limited English proficiency (LEP), OCR identified concerns that the district used untrained staff members and other individuals to provide most of its translation and interpretation services. OCR found evidence that the district failed to provide written translations of essential documents to parents and guardians who speak specific languages, raising concerns the district may not have been providing LEP parents with effective access to school-related information comparable to that which English-speaking parents received.

The district's May 2023 resolution agreement requires it to provide qualified interpreter services and to develop a procedure for translating documents. The district also agreed to conduct training regarding communicating essential information to parents and guardians, including training on employees' obligation to review language access needs before scheduling meetings and sending out notices, what information must be translated or interpreted, what constitutes a qualified interpreter or translator, when and how to obtain qualified interpreters and translators, where to find accurate and up-to-date translations of documents when needed, and other best practices for communicating with LEP parents and guardians.

## TITLE IX: *Discrimination Based on Sex*

Title IX of the Education Amendments of 1972 (Title IX) states: “No 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.” Title IX applies to recipients of federal financial assistance, including colleges, universities, and public-school districts. OCR enforces Title IX to ensure equal access to educational opportunities.

### POLICY RESOURCES AND PROPOSED RULEMAKING

During FY 2023, OCR continued to develop the Department’s proposed rulemaking to support full implementation of Title IX and issued the following policy resources:

- In October 2022, OCR issued a Resource on [Discrimination Based on Pregnancy and Related Conditions](#), reminding school communities that Title IX of the Education Amendments of 1972 protects students and employees from discrimination based on pregnancy and related conditions.
- In February 2023, OCR released three new resources on Title IX and athletic opportunities, which provide information about how students, parents, coaches, athletic directors, and school officials can evaluate whether a school is meeting its obligation to provide equal athletic opportunity regardless of sex consistent with Title IX of the Education Amendments of 1972.
- In April 2023, the Department released a proposed amendment to its Title IX regulations on eligibility for male and female athletic teams. The proposed regulation would permit a school to use criteria that would limit or deny a student’s eligibility to participate on a male or female team consistent with their gender identity if those criteria are substantially related to the achievement of an important educational objective. Schools would be required to take into account differences in grade and education level, level of competition, and sports. The proposed regulation would also require a school to minimize harms to students whose



The [overview resource](#) provides information about schools’ responsibility under Title IX to provide equal athletic opportunities to all students, regardless of sex, and includes examples of the kinds of situations that could, depending on the facts and circumstances, raise Title IX concerns in school athletic programs at all education levels. The two specialized resources—one [for K-12 schools](#) and one for [colleges and universities](#)—offer information specific to these school communities.



participation on teams consistent with their gender identity would be limited or denied. One-size-fits-all policies that ban transgender students from participating consistent with their gender identity across all sports, age groups, and levels of competition would not satisfy the proposed regulation. In conjunction with the release of the proposed regulation, OCR issued a [fact sheet summarizing the proposed amendment](#).

#### ENFORCEMENT

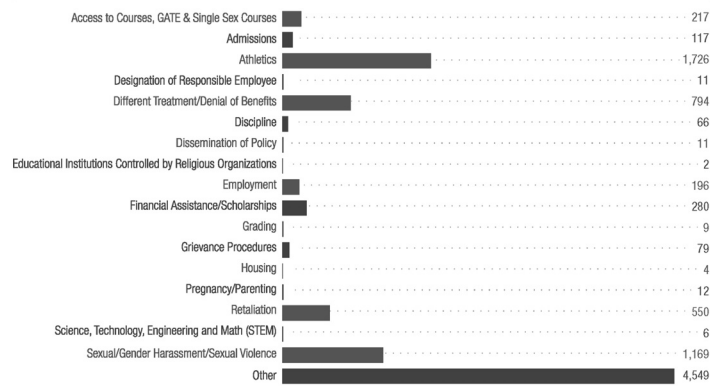
In FY 2023, OCR resolved 7,757 Title IX complaints, addressing a broad range of Title IX issues across the nation, including sexual violence at the elementary, secondary, and postsecondary levels; equal access to athletic opportunities; and

harassment (see Figure 6). The following cases illustrate OCR's Title IX resolutions in FY 2023.

#### Eradicating Sexual Harassment and Sexual Violence

**Val Verde Unified School District (CA):** In June 2023, OCR resolved a compliance review of this school district's response to complaints and reports of student-to-student and employee-to-student sexual harassment. The violations OCR found included the district systemically failing to coordinate its response to sexual harassment through its Title IX Coordinator (who did not participate in any of the 41 documented incidents OCR reviewed and who only received notification of three of those 41 incidents); never investigating a complaint of sexual assault on school grounds;

**Figure 6:** Title IX Complaint Allegations Received in FY 2023



Total Number of Complaints Raising Title IX Issues, FY 2023 = 8,151

Note: A single complaint can raise multiple issues; therefore, the total number of issues raised will exceed the number of complaints received.

not taking required steps responsive to reports of sexual harassment in more than a third of the 41 files OCR reviewed; and operating grievance procedures that were inequitable for complainants as well as respondents. The evidence OCR reviewed included, for example, the Title IX Coordinator stating that the district did not investigate a report that a student raped another student on a Friday night in an unsupervised classroom area on campus during a football game because the incident occurred after school hours and was being investigated by law enforcement as possible criminal activity. Those bases for not investigating do not satisfy Title IX. In another example, OCR did not find evidence that a school considered a class schedule change or a safety plan to protect a student after the student reported that another student told her multiple times that he was going to rape her.

To remedy nearly a decade of Title IX noncompliance, the resolution agreement committed the district to developing a program that assesses the effectiveness of the district's Title IX anti-discrimination efforts; implementing new Title IX policies and procedures; training staff and students on the new Title IX procedures, how to identify sexual harassment, and how to report it; maintaining required records on sexual harassment; disseminating a notice of non-discrimination in compliance with Title IX; and producing a biannual school climate survey to employees and students to analyze the climate at each school with respect to sexual harassment.

**Montgomery College, Takoma/Silver Spring Campus (MD):** In June 2023, OCR resolved a sexual harassment complaint alleging that a professor at this college had engaged in sexual harassment of female students during his class

by requiring the students to remove their shirts and wear only their bras—and then commenting on their bodies—ostensibly to demonstrate a medical assessment, despite the fact that the assessment required neither the clothing removal nor the bodily commentary. Within approximately three months of receiving the initial report of the professor's harassment, the college's investigation confirmed that the professor's conduct created a hostile environment on the basis of sex. The college proceeded to terminate the professor's employment and provided written notice of the outcome of its investigation to the student in the class who initially reported experiencing sexual harassment, and also offered supportive services to affected students. However, the college did not notify all affected students regarding the conclusion of its investigation, raising a concern that the college may not have taken necessary steps to ensure that a hostile environment did not persist for all affected students. To remedy these concerns, the college agreed to notify in writing all students in the professor's class that the college had completed its investigation of the sexual harassment complaint against the professor. In order for OCR to determine whether the college needs to take additional steps to ensure students are able to access their education free from discrimination, it also agreed to provide OCR with the results of its 2022 Title IX climate survey and a narrative summary of the steps it has taken in response to any concerns raised by that survey.

**Newark Public School District (NJ):** In August 2023, OCR found that this school district had violated Title IX after investigating its response to student and employee harassment of students. OCR found that the district failed to investigate any incidents of employees' sexually harassing students, and deferred its Title IX obligations to

respond to such sexual harassment to a state agency for several years without ensuring those obligations were met. OCR further found that the district repeatedly failed to respond to incidents of student-to-student sexual harassment, to address its effect on targeted students, to prevent its recurrence, or to notify the parties of investigation outcomes. In addition, OCR found the Title IX Coordinator did not coordinate the district's efforts to comply with its responsibilities under Title IX.

Through a resolution agreement, the district committed to ensuring that the Title IX Coordinator handles all of its efforts to comply with Title IX moving forward; developing a program to assess the effectiveness of its Title IX anti-discrimination efforts; revising policies and procedures to comply with the Title IX regulations; training staff and students regarding the district's Title IX procedures regarding sexual harassment; maintaining required records about reports of sexual harassment; reviewing case files for reported incidents of sexual harassment of district students from specified prior school years to determine if further action is needed to resolve each incident equitably; disseminating a notice of nondiscrimination that complies with Title IX; and administering an annual school climate survey to district employees and students at each district school.

**Garland Independent School District (TX):**

In July 2023, OCR resolved an investigation of this school district's handling of sexual assault allegations, determining that it had violated Title IX by routinely delaying its investigation of Title IX complaints when law enforcement was involved, and, in some instances, failing ever to conduct a Title IX investigation and instead relying on law enforcement findings. In addition, OCR found that



the district failed to provide interim measures to protect students and the campus environment; failed to adequately train relevant staff and ensure proper coordination between the district and its Title IX Coordinator; failed to ensure that the district's grievance procedures and notice of nondiscrimination included the necessary clarity and information required by Title IX; and lacked a centralized recordkeeping system for Title IX complaints. OCR found that 42 of the 48 student-involved district files reviewed contained no evidence that the district considered, offered, and/or provided interim supportive measures to the allegedly harassed student at any juncture of the Title IX process. These case files revealed inadequate district responses under Title IX—including an incident for which school video footage reflected a student forcing another student to perform a sex act but no evidence showed that the district provided a prompt and equitable Title IX response to the harassed student, such as by providing her support or assessing and addressing the impact the harassment had on her. In another case file OCR reviewed, the district inexplicably waited 35 days after completing an investigation—until after law enforcement arrested the harassers—to discipline

two students who harassed and assaulted two other students daily over several weeks.

As part of its resolution agreement, the district committed to reviewing and revising its Title IX grievance procedures and notice of nondiscrimination; developing and implementing a centralized record-keeping system that enables the district to accurately document and preserve all complaints of sexual harassment and sexual assault; providing OCR with information regarding the district's processing of each formal complaint of sexual harassment and sexual assault filed with the district during the next three school years; offering training on Title IX and its revised grievance procedures to district staff; offering age-appropriate student training districtwide regarding sexual harassment sexual assault, including how and to whom to report sexual harassment; and developing and conducting a climate survey of its students and staff regarding sexual harassment, including sexual assault.

**Pflugerville Independent School District (TX):**

In August 2023, OCR determined that this school district had violated Title IX by failing to respond equitably to notice that a student had been sexually assaulted by another student in a school restroom, and violated Section 504 and Title II by failing to provide the student with a required disability accommodation in one of her classes as provided by her Section 504 plan. OCR found that the district never undertook a Title IX investigation of the reported sexual assault, even after completion of law enforcement activities. OCR further found that the investigation by the district was incomplete and that the district relied on stereotypes about how a person should respond to sexual assault to draw investigative conclusions that were inconsistent with Title IX. In addition,

OCR found that the district response failed to provide fair process to both the accused student and to his accuser.

To resolve the case, the district agreed to offer the student and her family a meeting to discuss the district's handling of the sexual assault allegation and reimbursement for the student's related counseling expenses; designate a Title IX Coordinator; conduct Title IX and Section 504/Title II training for relevant district and school staff; provide OCR with information and documentation regarding sexual harassment complaints received during the 2021-2022 and 2022-2023 school years; develop and disseminate a sexual harassment climate survey to the district's students; and develop and implement a record-keeping system and procedures to document and preserve all sexual harassment complaints and related documentation.

**Alpine School District (UT):** In September 2023, OCR determined that this school district had failed to respond to reports of sexual assault by employees and students or to coordinate its responses to such reports through its Title IX coordinators, among other Title IX violations. In particular, OCR found that the district failed to investigate or redress employee-to-student and student-to-student sexual assault allegations after the allegations were reported to law enforcement, leaving affected students vulnerable to the discrimination that Title IX prohibits but that law enforcement does not address. For example, in one employee-to-student case, district records state that a teacher performed a "sexual act" on a student in the teacher's classroom immediately after school. After the student told a third party, who reported the incident to law enforcement, law enforcement questioned and arrested the

teacher, who later pleaded guilty to unlawful sexual conduct with a minor. The district allowed this teacher to resign without conducting a Title IX investigation to determine whether this student or other students needed remedies under Title IX, and if so to provide them.

Apart from these employee-to-student incidents, the district involved its Title IX coordinator in only one of 88 reported student-to-student sexual assaults during the school years OCR reviewed. OCR also identified compliance concerns in connection with the district's responses to off-campus sexual harassment, its training for employees responsible for ensuring compliance with Title IX, and its recordkeeping system to track incidents of sexual harassment. For example, OCR found that the district had reported only one sexual assault for OCR's 2017-18 Civil Rights Data Collection, whereas the district reported 20 student-to-student sexual assaults during that same year in response to the compliance review.

To resolve the violations and concerns OCR identified, the district agreed to review case files for reported incidents of employee-to-student and student-to-student sexual harassment to determine whether further action is needed to provide an equitable resolution of each incident; ensure that its Title IX Coordinators coordinate all of the district's efforts to comply with Title IX; revise Title IX policies and procedures to comply with the Title IX regulations and to train employees and students regarding these procedures; improve its record-keeping system to ensure that records about sexual harassment are created and maintained and to report complete and accurate data to the Civil Rights Data Collection (CRDC); and administer school climate surveys to students, parents, and district employees.

**Mingo County School District (WV):** In May 2023, OCR secured a resolution agreement to address concerns that the district had neither completed an investigation of serial misconduct nor responded equitably to complaints of sexual assault, including because it may have treated male respondents less favorably than female respondents. OCR also determined that the district had violated Title IX by failing to identify a Title IX Coordinator prior to August 2020, failing to adopt and publish grievance procedures and a notice of nondiscrimination that complied with Title IX, and failing to adopt recordkeeping practices with regard to Title IX complaints.

To resolve this compliance review, the district committed to designating and identifying its Title IX Coordinator and providing training; reviewing and revising its Title IX policies; submitting to OCR case file documentation sufficient to show that the district's revised Title IX policies are compliant and effective; publishing a compliant notice of nondiscrimination; reviewing all complaints of student and staff Title IX misconduct during the period of the investigation; and conducting a survey of students and parents to identify additional changes to achieve compliance with Title IX.

#### **Equal Access to Athletic Opportunities and Benefits**

##### **University of Maryland, Eastern Shore (MD):**

In May 2023, OCR resolved a complaint alleging that this university had discriminated on the basis of sex when it failed to properly investigate whether the softball program was being treated less favorably than other athletic programs on the basis of sex. The complaint also alleged that the university failed to provide equal opportunities to female athletes in a variety of ways in its intercollegiate athletic program.



During investigation, OCR identified concerns that the university was not providing equal athletic opportunities with respect to the underrepresentation of women in the athletics program; the quality of the equipment and supplies used; the unavailability of indoor practice time for the women; the travel and per diem allowance; the absence of an academic advisor; the insufficient number of coaches; the quality of the locker rooms, practice, and competitive facilities; the availability of trainers; the availability of media personnel; and the scholarship monies available for recruitment. In addition, OCR was concerned that the university's nondiscrimination policy did not clearly apply to complaints of different treatment on the basis of sex and that the University appeared to have failed to adhere to its policy when it responded to a complaint it received regarding the softball program offerings.

To resolve OCR's concerns, the university agreed to revise its policy for addressing complaints of sex discrimination and committed to investigating the complaint in line with the new policy. In addition, the university also agreed to provide opportunities for female and male students that equally and effectively accommodate the

athletic interests and abilities of members of both sexes. Accordingly, the university agreed to provide athletic participation opportunities that are either substantially proportionate to each sex's enrollment in its programs or demonstrate that the interests and abilities of female students are fully and effectively accommodated by the university's current athletic programs. The university also agreed to provide male and female students equal athletic opportunity in the provision of equipment and supplies; the scheduling of games and practice times; with respect to travel and per diem allowance; in the availability, assignment, and compensation of tutors; the assignment and compensation of coaches; in the provision of locker room, practice, and competitive facilities; the provision of medical and training facilities and services; the provision of publicity; and with respect to recruitment.

**Salem-Keizer School District No. 24J (OR):** In November 2022, OCR resolved an investigation in which it learned that the boys' baseball program at a district high school had superior playing fields, dugouts, bullpens, fencing, landscaping, bleachers, batting cages, and storage compared to what was provided for girls' softball. Additionally, players on the boys' baseball team had access to a team room, whereas players on the girls' softball team did not, and the district provided boys' baseball teams with superior and newer uniforms than the district provided for girls' softball teams. In addition, OCR's investigation uncovered that the girls' softball teams also had less opportunity to receive coaching as compared to the boys' baseball teams because the girls' softball head coach did not receive a prep period to prepare the fields immediately before practices and games, while the boys' baseball head coach did receive such a prep period.

## OCR MONITORING REPORT

In July 2023, OCR completed monitoring of the Hamburg Area School District's (PA) compliance with the resolution agreement it entered into in December 2018 requiring this district to take steps to provide the girls' interscholastic athletic program access to locker rooms, practice fields and facilities, and competitive fields and facilities equivalent to the access that the boys' interscholastic program receives. Through monitoring, OCR confirmed that the district's locker rooms, practice facilities, and competition facilities assigned to the boys' and girls' programs had become similar in quality and availability and, in many instances, the locker rooms and facilities were now identical. Most recently, the district renovated its high school softball field, added new bleachers to the field, installed new benches in the dugouts, placed an extended walkway from the field to the nearest parking lot, and upgraded all the lockers in the high school girls' locker room. In addition, the district renovated the middle school softball field and provided in-service training to the staff who maintain the fields.

To remedy the concerns, the district committed to conducting assessments of the facilities, equipment, and supplies. The district also committed to providing opportunities for coaching to the boys' and girls' interscholastic athletic teams at the district high school to ensure that members of both sexes are provided with equivalent benefits, opportunities, and treatment. Additionally, the district agreed to create and implement a corrective action plan to address any inequities that the district identifies.

**Academy School District 20 (CO):** OCR resolved an investigation in March 2023 in response to allegations that this school district had discriminated against female participants in a high school's athletics program with respect to locker rooms, athletic equipment and supplies, modes

of transportation to away games, availability of trainers and medical personnel, and support services. The parent who filed the complaint also alleged that the district refused to allow female team managers to attend the football team's field trip to Las Vegas and, in response to her raising these concerns at the school, claimed she experienced retaliation and was prohibited from going on the trip as a volunteer. The complaint further asserted that unequal distribution of funds, including those raised by team booster clubs, contributed to the inequalities that the complaint identified.

Over the course of its investigation, OCR identified concerns that the school was not providing equal athletic opportunities for members of both sexes. These included a concern that the school did not provide male and female student athletes with equivalent locker rooms because the female locker rooms have fewer and smaller lockers. OCR also had a concern that there was a disparity in the provision of equipment and uniforms and other apparel purchased for athletes. For example, the school's male tennis team had \$3,494.88 more in fundraising than the female tennis team. OCR was further concerned that female athletes were not being provided with transportation or athletic trainers equivalent to those being provided to male athletes. Finally, OCR was concerned that female team managers had been excluded from the football team's field trip to Las Vegas.

The district agreed to a range of measures to address OCR's concerns. With respect to the student's individual complaint, the district agreed to invite the parent to participate in future volunteering positions. Regarding the systemic concerns that OCR's investigation identified, the district agreed to conduct a comprehensive equity

assessment of all teams in interscholastic athletic programs at the school that would examine the disparities identified in the initial complaint. Following this assessment, the district agreed to develop and implement written guidelines to ensure that the district provides equivalent athletic opportunities for male and female athletes. These guidelines included a commitment on the part of the district to address how funding from booster clubs or any other source might affect the balance of equivalent benefits and services for male and female athletes. The district also committed to conduct training of key personnel in the district and at the school.

“

It's actually quite common for the Office for Civil Rights to look at systemic problems, because the way they look at it is if there is a situation where there is a problem with one student, that may be an indicator that there is a problem with the way that the school or the district handled these kinds of gender discrimination issues.”

*Igor Raykin, Colorado Title IX Attorney*



**Prentiss County School District (MS):** In September 2023, OCR resolved an investigation that reflected unequal access to athletic opportunities for girls, including, for example, because unlike the boys' baseball team, the girls' softball team did not have a designated field or locker room. In its resolution agreement, the district committed to assessing the quality, availability, and maintenance of the locker rooms and practice and competitive facilities provided to its male and female interscholastic athletes; creating a plan, with timeframes, to provide both sexes in the interscholastic athletics program with equal athletic opportunities regarding the provision of locker rooms and practice and competitive facilities; and, by no later than the end of the 2023-2024 school year, ensuring that both sexes have equal athletic opportunities in the provision of locker rooms and practice and competitive facilities.

#### **Preventing Discrimination Based on Pregnancy or Parental Status**

**Troy University (AL):** In January 2023, OCR resolved an investigation that addressed concerns regarding this university's response to a student's requests for pregnancy-related adjustments during the 2020-2021 school year. OCR's investigation confirmed that a student had notified the university of her pregnancy before the start of the fall semester. OCR's investigation found repeated instances in which the student experienced negative consequences stemming from a lack of accommodations for her pregnancy. For example, when the student became unable to fit into a classroom desk due to her pregnancy, she requested a table for one of her classes but never received one. She also was penalized in a class for poor attendance and received a failing grade in



another class because she was denied the ability to make up work. OCR's investigation identified concerns that the university did not make reasonable and responsive adjustments following the student's pregnancy-related requests; that the responses the university offered to the student's requests were ad hoc and uncoordinated; that the Title IX Coordinator did not consistently or timely intervene when the student alerted him to issues with certain classes; that no evidence reflected that the Title IX Coordinator responded to a professor who sought guidance in addressing the student's requests; and that the lack of information about how to obtain pregnancy-related adjustments may have contributed to the university's uncoordinated response, requiring the student to make multiple requests through both the university's Title IX Coordinator and individual professors.

To resolve OCR's concerns, the university agreed to reimburse the student for documented expenses related to courses she had to retake since the semester when she was pregnant; adjust grades that were negatively impacted by the university's handling of her requests; review and, as necessary, revise its policies pertaining to Title IX protection of individuals who are pregnant and publish the policies on its website; develop a system for tracking pregnancy-related adjustments made for students; and provide Title IX training to all faculty and staff involved in providing Title IX resources, in addition to conducting a survey to ascertain the effectiveness of that training.

**California Career College (CA):** In February 2023, OCR resolved an investigation into whether this college had discriminated against a student based on pregnancy when it forced her to withdraw upon learning that she was pregnant. The college

informed the student that, upon her return following the birth of her child, she would have to repeat the entire previous semester. During the investigation, the student informed OCR that she wished to return to her program at the same point she took her leave of absence but was told to complete the entire previous semester. Additionally, OCR was unable to locate the notice of non-discrimination, the Title IX Coordinator's contact information, or any Title IX training materials on the college's website.

To resolve OCR's concerns, the college committed to making updates to both the website and its catalog regarding the rights of pregnant students pursuant to Title IX, as well as offering the student the opportunity to re-enroll at the college at the same status as the time when her pregnancy-related leave of absence began.



**Cuyahoga Community College (OH):** In September 2023, OCR resolved a complaint regarding a college student who had difficulty obtaining accommodations during her pregnancy. During the investigation, OCR identified

compliance concerns that the college had not made reasonable and responsive adjustments for the student in response to her pregnancy-related requests. Although the college had a policy for accommodating temporary disabilities, the college did not provide information to pregnant students on its Title IX webpage or elsewhere about how to seek accommodations related to pregnancy. The college also did not provide information on its website regarding how to obtain pregnancy leave or academic adjustments.

To resolve the complaint, the college agreed to review its practices, policies, and procedures for adjustments for pregnant students to ensure that the college complies with Title IX's prohibition on discrimination on the basis of pregnancy; revise or, as needed, develop written policies and procedures; and submit the updated policies and procedures to OCR for review. The college also agreed to publish the policies prominently on its website and elsewhere, as appropriate, as well as information regarding how to obtain pregnancy-related accommodations, academic adjustments, and the grievance procedure for students to file complaints of sex discrimination, including pregnancy-related complaints. The college also agreed to provide a training on the Title IX rights of pregnant students and the college's obligations under Title IX related to pregnant students; conduct a survey of faculty and staff who attended the training to assess the effectiveness of the training; and develop a system to track requests for pregnancy-related adjustments, the college's responses to those requests, and the reasons for the denial of any such requests, in addition to providing OCR with a monthly compiled list containing that information.

“

We applaud the Department of Education for recognizing that harassment is always the fault of the harasser and making clear that the girls of Nash County must have their #TitleIX rights protected.”

*Girls Inc. on X*



#### Sex Discrimination and Dress Codes

**Nash County Public Schools (NC):** In September 2023, OCR resolved investigation of a complaint that, at the beginning of the 2022-2023 school year, this school district had held a dress code assembly only for girls—without holding any such assembly for boys—with the purpose, in part, to address “inappropriate” messages on social media by students that threatened sexual violence against other students. During this assembly, district staff appeared to blame the girls for the harassment they experienced, saying that their manner of dress was “opening the door” to harassment and that they should not then “wonder why they [boys] disrespect you.” The district also took the position that it had not

known about social media threats to rape students and other such harassing social media posts, but documentation OCR reviewed confirmed that the district did receive actual notice of these threats. There was no evidence, however, that the district investigated or responded to these notices, other than to hold the dress code assembly for girls. These facts, among others (including that the district had disciplined boys for dress code violations as often as they disciplined girls but did not hold an assembly for boys to address their noncompliance), led to concerns that the district did not respond as Title IX requires to notice of possible sexual harassment and that the district selectively enforced its dress code based on sex stereotypes.

To resolve these concerns, the district agreed to review and revise its dress code to ensure that it does not discriminate on the basis of sex; to train staff regarding their Title IX obligations with respect to responding to reports of sexual harassment and enforcing the dress code; and to review and investigate reports of sexual harassment at the high school, and assess the need for supportive measures for students.

#### **Eliminating Discrimination Against and Harassment of LGBTQ+ Students**

**Forsyth County Schools (GA):** This school district received complaints from some parents and community members who stated that certain school library books were inappropriate because of sexual content. The district responded by limiting access to certain books. Students appeared at school board meetings, where they stated that they understood books were being screened to exclude diverse authors and characters who were LGBTQ+ and/or not white and shared the impact of the book removals

on them. The students reported that the school environment had become "more harsh" in the aftermath of the book removals and that there was increased fear about going to school, being out as LGBTQ+ at school, and checking out books by and about people of color.

OCR's investigation revealed that the district had notice based on students' statements that the district's library book screening process may have created a hostile environment for students based on race and sex, and that the district's responses were insufficient to ameliorate any resultant racially and/or sexually hostile environment.

In May 2023, to remedy the concerns, the district committed to issue statements explaining that its review focused on sexually explicit material and that no books were removed based on characteristics of the book's author or characters. The district also agreed to acknowledge that the screening process had created an environment that may have impacted students and to give notice that students who feel impacted may receive supportive measures.



**Rhineland School District (WI):** In July 2023, OCR resolved the investigation of this school district after identifying concerns that its response

to a student's report of persistent harassment had limited the student's participation in school activities. OCR's investigation found that in school year 2021-2022, a nonbinary student repeatedly was mocked and targeted by other students and referred to using the wrong pronouns by multiple teachers. OCR also reviewed evidence that students bumped into the harassed student in the hallways and called them a derogatory slur for LGBTQ+ people. Ultimately, the student was removed from a class altogether on the ground that the teacher could not protect them from other students' harassment. The school limited the student to three in-person classes and required them to take their remaining classes through self-directed study.

To resolve the compliance concerns OCR identified, the school agreed to evaluate the harassed student to see if they need compensatory services due to the instructional time they missed when attending in-person classes on a part-time basis; train all district administrators and staff regarding their obligation to respond to complaints of sex-based harassment; educate the students, in an age-appropriate manner, on what sex-based harassment is and what they should do if they see it; and conduct a climate survey to assess the prevalence of sex-based harassment and report to OCR for approval of any responsive action.



## SECTION 504 *and* ADA TITLE II: DISCRIMINATION BASED ON DISABILITY

OCR protects the rights of persons with disabilities under two federal laws prohibiting discrimination in education. Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in any program or activity operated by recipients of federal funds. It states: "No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance . . . ." Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance. It states: "[N]o qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity." With regard to educational institutions, OCR shares enforcement of compliance with Title II with the Department of Justice. 28 C.F.R. § 35.190(b)(2).



### POLICY GUIDANCE AND RESOURCES

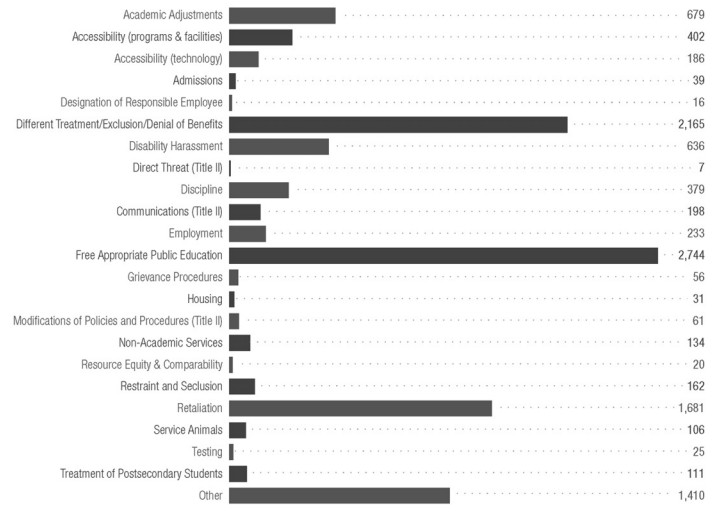
In May 2023, OCR and the U.S. Department of Justice released a joint [Dear Colleague Letter on Postsecondary Online Accessibility](#). The letter underscores the Departments' ongoing efforts, under Title II and Section 504, to address barriers that prevent people with disabilities from participating in online services, programs, and activities that colleges, universities, and other postsecondary institutions make available to students and the public.



This joint DOE and DOJ 'Dear Colleague' letter provides one of the most direct and comprehensive assessments to date on how the ADA and Section 504 apply to online content produced by higher education institutions. . . . The letter itself is a critical reminder about the necessity of online accessibility, but also functions as a strong statement to those in higher education that the DOJ and DOE expect all online content to be accessible going forward."

**Jena Wallace**, "What Does the Latest DOE & DOJ Dear Colleague Letter Mean for Online Accessibility in Higher Education." *3Play Media*

## Report to THE PRESIDENT and SECRETARY OF EDUCATION

**Figure 7: Section 504/Title II Complaint Allegations Received in FY 2023**

Total Number of Complaints Raising Disability Issues: **FY 2023 = 6,749**

Note: A single complaint can raise multiple issues; therefore, the total number of issues raised will exceed the number of complaints received.

**ENFORCEMENT**

In FY 2023, OCR resolved 6,409 Section 504/Title II-related complaints, addressing the broad range of issues raised with OCR in complaints under these laws (see Figure 7). The following cases illustrate OCR's enforcement work related to discrimination on the basis of disability.

**Protecting the Civil Rights of Students with Disabilities during the COVID-19 Pandemic**

**Fairfax County Public Schools (VA):** In November 2022, OCR resolved an investigation of this school division's provision of FAPE to students with disabilities during the COVID-19 pandemic. OCR's investigation found the school division had failed to provide thousands of students with disabilities with services identified in the students' IEPs and 504 plans during remote learning. Specifically, the

school division had reduced and placed limits on special education services based on considerations other than the students' individual education needs; failed to accurately or sufficiently track services provided to students with disabilities; and inaccurately informed staff that the school division was not required to provide compensatory education to students with disabilities who did not receive a FAPE during the COVID-19 pandemic because the school division was not at fault.

The school division agreed to resolve these violations by creating and implementing a comprehensive plan to address the compensatory education needs of students with disabilities due to the COVID-19 pandemic. This included designating a plan administrator who will oversee the creation and implementation of the plan; convening IEP and Section 504 teams to determine whether students were not provided the regular or special education and related aids and services designed to meet their individual needs during remote learning and determine compensatory education; tracking and reporting to OCR the implementation of the plan for compensatory education; providing written guidance and/or training about the plan to all school division staff with responsibilities under Section 504 and Title II; and conducting outreach to parents, guardians, students, and other community members to publicize the plan for compensatory education.

**Oxnard Union High School District (CA):** In January 2023, OCR resolved an investigation that determined a student had not received one-on-one support as required by her Individualized Education Program (IEP), based on the school's closure during the COVID-19 pandemic. As a result, the student suffered significant behavioral

regression and was left insufficient time to make meaningful progress towards her goals before her age-specific eligibility for special education ended. Additionally, the district did not consider her need for compensatory services. Further, OCR was concerned the district may have similarly denied a free appropriate public education (FAPE) to other students with disabilities who experienced reductions in their IEP services, unrelated to their individual educational needs, during the COVID-19 pandemic in 2020.

To resolve OCR's investigation, the district agreed to convene a meeting to determine compensatory services for the student, convene meetings for other students with disabilities who were enrolled in the district during the COVID-19 pandemic to determine whether compensatory services are appropriate, and provide training to district staff.

According to a September 2023 report of the board of the Fairfax County Public Schools, the district completed 96.7% of the meetings that the resolution agreement required, determining whether more than 30,000 students with disabilities required compensatory services and/or reimbursement for out-of-pocket expenses. As a result of these meetings, the district provided more than 27,000 hours of compensatory services to students and paid more than \$5.5 million in reimbursement to families for private services.

*Board Report, Fairfax County Public Schools*

**Birmingham Public Schools (MI):** In this investigation, OCR found that, while this school district was providing virtual instruction to its students during the COVID-19 pandemic, it had failed to provide a student with certain services as

required by the student's IEP, thereby resulting in a denial of FAPE. To resolve this investigation, the district agreed to submit documentation showing that it convened an IEP team meeting for students with disabilities in the program and determined whether each student received or should receive compensatory education or other remedial services. The district also agreed to revise and submit for OCR approval its Section 504 policies and procedures to ensure they are consistent with legal requirements regarding providing services to students with disabilities during periods of remote/hybrid learning.



#### **Ensuring Accessibility of Programs, Services, and Facilities**

**Grand Canyon University (AZ):** In November 2022, OCR resolved a complaint alleging that this university had discriminated against students on the basis of disability by failing to provide them with adequate gluten-free and allergen-safe dining and housing options. OCR's investigation raised concerns that the university's approach to housing accommodations appeared to rely on blanket decisions rather than on the

required individualized determinations made through an interactive process; failed to consider modifications or accommodations for a student with a disability that may be perceived as more favorable than housing options available to other students; and relied on general concepts of reasonableness rather than on regulatory standards in considering requests for modifications.

To remedy OCR's concerns, the university agreed to review and revise its procedures for providing accommodations to students with disabilities, including housing accommodations; develop and provide training to relevant university staff involved in handling requests for accommodations; and provide a letter to the original complainant with instructions on requesting housing accommodations, an assurance that the university will engage in an interactive process, and the provision of additional and individualized support necessary for the student to successfully navigate the process of obtaining campus housing.

**Framingham Public Schools (MA):** In December 2022, OCR resolved the investigation of this school district for failing to accommodate a student with a disability after the student was unable to participate in his school's afterschool program. OCR's investigation found that the district did not complete an interactive process with the student's parents to gather information about the student's needs under his Section 504 plan. OCR also found that the district failed to provide the parents' requested accommodations simply because similarly situated students did not also require those accommodations. Accordingly, OCR found that the district did not make an individualized assessment of the support that the student needed to participate in the program



and instead may have relied on a generalized understanding of the supports that students with disabilities require. OCR also identified concerns that the district's policies generally did not fully comply with the requirements of Section 504 and Title II to make individualized assessments of the modifications, aids, and/or services that each student might need, possibly contributing to staff confusion about the district's obligations to provide equal access to extracurricular activities for students with disabilities.

To resolve the investigation, the district agreed to offer the student tuition credit for the time he was unable to participate in the afterschool program, revise its policies and procedures, and train staff who are expected to serve as points of contact for families who wish to enroll their children in similar programs.

**New York City Department of Education (NY):**

In March 2023, OCR resolved a complaint alleging that the department had discriminated against children with disabilities in an educational center's program by limiting their participation in the program to only three hours per day. In addition, the complaint alleged that the center prematurely referred children for special education evaluations and subsequently informed their parent(s)/guardian(s) that the children could no longer attend the program because they required special education services. Upon investigation, OCR identified potential systemic compliance concerns that led to the exclusion or limited participation of students with disabilities.

To address OCR's concerns, the department agreed to issue a letter regarding the requirements of Section 504 and Title II to the center staff and department employees. Consistent with the obligation not to discriminate,

the department stated that it will continue to serve students even if the parent or guardian has not consented to an evaluation and that it will take into account the needs of students with disabilities on an individual basis in determining which services to provide. The department also agreed to provide training to remind center staff that Section 504 prohibits the department from providing significant financial assistance to an agency, organization, or person that discriminates based on disability.

*Also...*

See **Tucson Unified School District**, p. 20 (addressing national origin and disability-based discrimination)

**Tempe Union High School District (AZ):**

In April 2023, OCR resolved a complaint that alleged this school district had discriminated against students with disabilities by segregating them in classes and in the cafeteria, limiting their ability to select courses, failing to consider a student's individual needs, and failing to provide reasonable modifications to or accommodations for non-academic and extracurricular activities. OCR's investigation confirmed that students with disabilities all shared the same elective courses and learned with only 1.2% of the general school population, segregating these students from the rest of the school.

To resolve the investigation, the district agreed to develop a policy for making individualized determinations when placing students and not placing students based on stereotypes; conduct an audit of the course schedules for all students with disabilities to ensure that decisions are made based on the individualized needs of each student;

provide individual remedies for all impacted students; and ensure that students with disabilities are integrated to the maximum extent appropriate to their needs with non-disabled students.

**Jefferson County School District (WV):** In September 2023, OCR resolved a complaint alleging that this school district had discriminated against a disabled student by preventing him from using his wheelchair during the 2022-2023 school year and requiring its use to be reviewed and approved by the student's IEP team.

Upon learning from OCR that Title II requires recipients to allow the use of a mobility device without needing prior approval by the IEP team, the district informed and trained staff on the requirement to allow students with mobility impairments to bring mobility devices to school.

#### Ensuring the Timely Evaluation of Students

**Alan Rowe College Preparatory School (CA):** In July 2023, OCR determined that this school had failed to timely evaluate a student for special education services and denied the student's parent required procedural safeguards for 14 months from when the student enrolled, despite the parent having provided the school with documentation during enrollment regarding the student's asthma and necessary medication.

In response to OCR's findings, the school agreed to revise its Section 504 policies and procedures to be consistent with Section 504 and Title II and to issue written guidance and training for school staff regarding the school's obligations to students with disabilities. The school specifically agreed to include an explanation of the process for administering asthma medication and to engage in self-monitoring assessments regarding

the administration and monitoring of asthma medication. The school also agreed to convene a Section 504 meeting to determine whether any compensatory services are appropriate for the complainant student due to the student's asthma-related absences.



**Agra Public Schools (OK):** In July 2023, OCR resolved a complaint alleging that this school district had failed to evaluate a student for an IEP or a Section 504 plan and had failed to provide the student with a FAPE. OCR obtained evidence raising concerns that the district may have been aware of the student's disabilities and should have evaluated the student pursuant to the requirements of Section 504. The evidence also raised concerns that the school district may not have provided regular or special education services designed to meet the student's individual educational needs, which may have denied the student a FAPE.

To remedy OCR's concerns, the district agreed to issue written correspondence to the complainant, assuring that the student will be evaluated to identify disabilities and consider appropriate placement, and to determine whether the student requires compensatory or remedial services. The

district also agreed to adopt new policies and revise existing policies as necessary to ensure compliance with Section 504 and Title II, and to train all staff regarding Section 504 and Title II—including, but not limited to—identifying students who may be eligible for evaluations, referring students for evaluations, and training staff on the evaluation process more generally.

**Horry County Schools (SC):** In September 2023, OCR resolved a complaint alleging that this school district had discriminated against elementary school students by refusing to grant them excused absences for medically prescribed appointments with non-district providers of physical, health, or occupational therapy. During the investigation, OCR found that the district maintained a blanket policy for all students, providing that if a student missed school as a result of a non-district therapy session, the student would receive an unexcused absence. OCR identified a concern that, in implementing this policy, the district may have failed to evaluate or re-evaluate students who had repeated unexcused absences for therapy appointments to consider whether they required special education or related aids and services to receive a FAPE.

Under the resolution agreement, the district committed to: assessing whether students with unexcused absences due to outside therapy need to be evaluated or access additional services; considering and providing compensatory services as appropriate; revising its policies to ensure that information about student absences due to outside therapy is shared with special education staff to determine if further action is needed; and training district staff on their obligations under Section 504 and Title II.

### Also...

See **Pflugerville Independent School District**, p. 27 (addressing disability-based discrimination and sex discrimination, including harassment)

**Hopi Junior Senior High School (AZ):** In September 2023, OCR determined that this school district had violated Section 504 and Title II by discriminating against a student based on his disability. OCR's investigation showed that the school required the mother of a student with a disability to join the student at school as a condition of the student's enrollment; disciplined the student for disability-based behaviors; conditioned the student's return to school following suspension on the school director's discretion, as distinct from involving his IEP team; and subjected the student to shortened school days for behavioral reasons without individually determining his needs or consistently documenting these school exclusions.

Additionally, OCR's investigation revealed multiple systemic compliance concerns. OCR was concerned that the school was regularly asking parents or guardians of students with disabilities to attend school with their children due to staffing shortages. OCR was also concerned that the school was requiring students with disabilities who finished a suspension or temporary alternative placement to attend reinstatement meetings with the principal prior to the implementation of their IEPs—meetings in which the principal unilaterally decided if the student could return to school.

In response to OCR's concerns and violation findings, the school committed to convening knowledgeable individuals to develop a written plan to provide compensatory services to the student, at no cost to the student or his mother, and to identifying any other students with disabilities who were denied the opportunity to return to school after a removal or attend school because their parent or guardian could not accompany them. In the event other students are identified, the school agreed to convene a team to discuss whether a FAPE was denied to those students and, if so, to create plans to provide remedies to them at no cost to the parent or guardian of the student. The school also agreed to train staff and disseminate or make available approved policies and procedures to staff, students, and parents.

**Baltimore County Public Schools (MD):** In September 2023, OCR resolved a complaint alleging that this school district had denied a FAPE to a student with a disability by failing to provide a home and hospital tutor for several months during the school year. After an investigation, OCR found that the district had failed to provide a FAPE to this student, as well as 168 other students who also were enrolled in the home and hospital program. OCR found that the district failed to develop and implement a plan to address the denial of a FAPE and did not accurately or sufficiently track the tutoring services that it did provide to students.

To remedy the violations, the district agreed to determine whether the student's hours of home and hospital tutoring being provided were sufficient to meet the complaining student's needs and those of other students enrolled in

the program; ensure students in the home and hospital tutoring program receive the tutoring hours they are entitled to receive; provide training to district personnel on the obligation to provide a FAPE to students participating in the home and hospital program; and implement an electronic tracking system to track tutoring services for students with disabilities while enrolled in the home and hospital tutoring program, in addition to providing OCR with quarterly reports from the tracking system.



#### Ensuring Access to Athletics for Students with Disabilities

**John Doe University:**<sup>2</sup> In February 2023, OCR resolved an investigation of this university's treatment of a student athlete with a disability. During the student's first few weeks at school, she had trouble with medication management for her mental health disability and went home in distress. Her coach sent her mother a text message saying he felt it best that the student not return to school and that he felt "deceived in the recruiting process" because he was unaware

<sup>2</sup> OCR has not disclosed the actual name of the institution in this case because of privacy considerations.

*Report to THE PRESIDENT and SECRETARY OF EDUCATION*

of her disability. This message raised concerns regarding decision-making based on stereotypes about students with mental health disabilities, rather than individualized decision-making based on the student's particular needs.

To remedy OCR's concerns, the university agreed to issue a memorandum to all athletics department staff reminding them of their obligations under Section 504 and Title II, train athletics department staff regarding the university's Section 504 obligations, revise its policies and procedures for addressing student threats of self-harm, maintain records and report to OCR on threat assessments, and refund the student's monetary loss.



#### **Addressing Civil Rights Related to Restraint and Seclusion**

**Davis Joint Unified School District (CA):** In December 2022, OCR completed a compliance review of this school district's use of restraint and seclusion, finding that students whom the district had placed in non-public schools were subjected to repeated and prolonged restraints and seclusions, costing each student days of lost instructional time and resulting in one student's death. Despite notification of their repeated use

of restraint and seclusion, the district did not visit the non-public schools after learning about the incidents, nor did the district document all uses of restraint and seclusion, leading OCR to believe that it may have failed to identify all students subjected to the practice. OCR's documentation concerns, coupled with district staff not having access to complete information about restraint and seclusion, raised a related concern for OCR that parents did not consistently have access to the information needed to participate meaningfully on the IEP teams for their children.

To remedy the violations and compliance concerns, the district agreed to make comprehensive changes to its policies and procedures; distribute revised policies to the school community; develop and implement a recordkeeping process regarding the use of restraint and seclusion against district students; and ensure training for district personnel and staff at non-public schools where district students are placed with respect to the use of restraint and seclusion. The district also agreed to remedy prior instances where restraint and seclusion of its students in non-public school settings denied or may have denied them a FAPE and to develop a monitoring program to ensure that any future restraint or seclusion complies with Section 504 and Title II.

**Spectrum Academy (UT):** In September 2023, OCR completed a compliance review of this school finding, for example, that the school did not hold required IEP meetings for specific students with disabilities to evaluate the impact of repeated use of restraint and seclusion. OCR identified approximately 692 total incidents of restraint and seclusion involving 109 students that occurred in one school year but the school failed to consider the need for those students to receive compensatory services. Additionally, OCR was concerned that the school's recordkeeping practices may have prevented the school from

determining whether its current offerings of special education and related aids and services were sufficient to provide a FAPE. Finally, OCR's investigation revealed significant inaccuracies in the school's reporting to the 2017-2018 CRDC.

To resolve the compliance review, the school committed to revising and distributing its policies, procedures, and forms on restraint and seclusion; providing training to relevant staff on relevant topics, including on the use of restraint and seclusion and Section 504 FAPE-related requirements; providing individual remedies for students subjected to restraint and seclusion during the review period, including the determination and provision of necessary compensatory services; reviewing whether students were denied a FAPE due to the school's use of restraint and seclusion and implementing responsive remedies; ensuring appropriate recordkeeping about the school's use of restraint and seclusion and proper CRDC reporting; and implementing a program to monitor the use of restraint and seclusion to safeguard students' rights.

#### **Southeastern Cooperative Educational**

**Programs (VA):** In December 2022, Southeastern Cooperative Educational Programs agreed to resolve OCR concerns that the program's use of restraint and seclusion may have denied a FAPE to students with disabilities, with some students with disabilities experiencing double- and triple-digit numbers of incidents. OCR's investigation found that one student spent 10,715 minutes in seclusion in a single school year and another student experienced 157 restraints and 155 instances of seclusion. OCR's investigation revealed that the program did not reevaluate students after multiple incidents of restraint and seclusion and that the program did not consider whether to provide compensatory services to students who missed significant instructional time.

To address these compliance concerns, the program agreed to formalize its policy and procedures on the use of restraint and seclusion; modify its recordkeeping system; train staff on its revised policies, procedures, and recordkeeping system; review files of currently enrolled students who were restrained and secluded since the start of the 2016-2017 school year to determine, in part, whether any student requires compensatory education for educational services missed due to incidents of restraint and seclusion; and develop and implement an internal assessment tool to monitor and oversee the program's use of restraint and seclusion.

#### **Combating Bullying and Harassment on the Basis of Disability**

##### **Marshfield Public Schools (MA):** OCR

investigated whether this school district had discriminated following a serious bullying incident against a student with a disability, yielding concerns that the district may not have satisfied its Section 504 and Title II obligations. Although the district disciplined the student who engaged in bullying and took steps to support a return to school for the student who had been bullied, it did not convene the bullied student's IEP team to consider the impact of the bullying incident on their receipt of FAPE. In addition, OCR's investigation yielded evidence suggesting that the student who was bullied missed multiple disability services, including occupational therapy and counseling sessions, due to his absences related to the bullying incident.

In November 2022, to remedy OCR's concerns, the district committed to assessing the impact of the bullying on the student and the need for compensatory services. The agreement also required the school to conduct staff training on Section 504 and Title II and to provide one year of

data on the school's response to bullying incidents targeted at students with disabilities.

**Allegheny Valley School District (PA):** In September 2023, OCR concluded that this school district violated Section 504 and Title II when it failed to respond adequately to ongoing, disability-based harassment of a student. The evidence showed that the harassing conduct directed at the student, including repeated slurs and assault, created a hostile environment that impacted the student's ability to participate in the educational program. The evidence also reflected that the district did not investigate all reported incidents and that the district discounted videotaped and eyewitness reports of harassment as not being disability-related. In addition, the investigation confirmed that the district did not convene the student's IEP team until more than six months after the first reported incident of disability harassment and that, when the IEP team did convene, the IEP team did not consider whether the harassment impacted the student's receipt of a FAPE or supported a need for adjustments to the student's IEP.

In response to OCR's findings, the district agreed to take corrective steps that included distributing a memorandum to staff that states the district's obligations under Section 504 and Title II of the ADA; training all school staff; offering individual remedies to the student, such as counseling, academic, or other therapeutic services to remedy the effects of the harassment; convening the student's IEP team, as appropriate, to determine whether the student's receipt of a FAPE had been impacted by the harassment; reviewing all bullying incidents for a three-year period at the school to determine any needed additional remedies; and conducting a climate assessment

to evaluate any needed additional supports to ensure a nondiscriminatory school environment for all students with disabilities.

#### **Shortened School Days for Students with Disabilities**

**McLean County Unit School District No. 5 (IL):** An OCR investigation found that a district elementary school had ongoing violations of Section 504 and Title II when, for multiple years, the school dismissed students with disabilities early based on the belief that dismissing them with the rest of the school would result in behavioral outbursts. These students were subjected to shortened school days without an individualized determination of their needs, leaving them with 25 fewer instructional minutes per week and 150 fewer bell-to-bell minutes per week than their non-disabled peers. OCR discovered that the district, in order to account for the missing instructional minutes, provided these students with social skill instruction during their 25-minute lunch period, effectively segregating the students from their peers during this time as well.

In January 2023, the district agreed to resolve the complaint with commitments to ensure that, within 12 days, all district students with disabilities will have the same access to education as their nondisabled peers. The district also agreed to convene IEP meetings by the end of May 2023 for each student enrolled in the program during the previous two school years to make individualized determinations regarding the students' educational needs and determine whether the students need compensatory services. OCR also required the district to train relevant staff on Section 504 and Title II obligations and to assess whether further training is necessary.



### Ensuring the Accessibility of the Web and of Assistive Technology for Students with Disabilities

#### Inter-American University of Puerto Rico (PR):

In May 2023, OCR resolved concerns regarding the accommodations provided by this university to a blind doctoral candidate, including whether the school gave the student the opportunity to request auxiliary aids or other accommodations he requires to access PDF communications he received from the university's Institutional Review Board (IRB). OCR also noted concerns as to whether the university's programs, services, and activities communicated through its website and IRB platform are accessible to individuals who use screen readers and refreshable Braille displays. In addition, OCR found that the university failed to afford persons with disabilities who use assistive technologies, including screen readers and refreshable Braille displays, access to important information about the university's process for requesting academic adjustments and auxiliary aids and services. Finally, OCR found that the university failed to provide required notice of its designated Section 504 Coordinator.

To ensure that students with disabilities have the information needed in order to request auxiliary aids and services, the university agreed to update its Section 504 notice to include the name and/or title and the contact information of the Section 504 Coordinator, and to publish a version of the university's Guidelines, Standards, and Procedures regarding Student Requests for Reasonable Accommodations that is accessible for students with disabilities who use screen readers and refreshable Braille displays. The university also agreed to invite the graduate student who filed the complaint to engage in an interactive process regarding his communications with the IRB. As a result, the student was able to restart his doctoral program with appropriate academic adjustments and auxiliary aids and services.

**Community College of Denver (CO):** In July 2023, OCR resolved a complaint from a student who uses assistive technology alleging that the college's website contained technological barriers that discriminate against individuals with disabilities. The student also alleged that the college failed to ensure he had an equal opportunity to participate in an online course in which he was enrolled due to barriers in the technology used to deliver the course, which were neither removed nor adequately addressed through academic adjustments or reasonable accommodations. During investigation, OCR identified several concerns, including that students with disabilities lacked access to all the contents and functions of the college's public-facing website; the public facing website and specific course webpages lacked sufficient contrast for people with low vision; and PDF course materials for one of the online Spanish classes were inaccessible to people with vision disabilities who use screen readers.



To resolve the investigation, the college committed to adopting an accessibility standard and posting a fully accessible notice on the college's website describing how people with disabilities can inform the college of any technology-based barriers to access they have encountered and how they can request access to the underlying college program, service, or activity. In addition, the college agreed to complete an audit of its website to identify barriers to access to its online programs, services, and activities, and to remedy barriers that it identifies. To resolve the course-specific allegation, the college agreed to refund the tuition the student paid for the online course; conduct an in-depth audit of the course to identify all barriers to access for students with disabilities; and either develop a plan for OCR's approval as to how it will make the existing course accessible to students with disabilities or replace the course with a more accessible online course on the same subject.



### Addressing Disability Rights Related to Artificial Intelligence

**Florida Gateway College (FL):** OCR resolved a complaint in October 2022 raising allegations that this college's use of an online test proctoring program that uses artificial intelligence (AI) to detect behavior through facial recognition and eye tracking generated false academic integrity flags based on a student's disability.

Specifically, the complainant alleged that the AI test proctoring program used by the college wrongly interpreted a student's disability-related eye movement as cheating. OCR's investigation confirmed that the AI test proctoring program flagged the student's recorded behavior and the student's professor reviewed the student's testing video. Based on the video, the professor gave the student a failing grade for the quiz and warned the student that if the behavior occurred again the student would be expelled from the college.

During investigation, OCR determined that the college violated Section 504 and Title II because the college's Executive Director of Technology Programs and Public Service Programs unilaterally determined that the student's request for an exception to the AI test proctoring program was not reasonable and did not offer the student reasonable alternatives to the AI program. Further, OCR found no evidence that the College's Disability Services Office, which is the designated office to respond to requests for academic adjustments, was involved in the decision. To resolve these violations, the College agreed to provide Section 504 and Title II training to faculty, staff, and administrators responsible for evaluating students for disability-related requests for academic adjustments and/or auxiliary aids and services.

## ENFORCEMENT ACTIVITY UNDER OTHER STATUTES

OCR also has jurisdiction over two additional civil rights laws: the Age Discrimination Act of 1975 and the Boy Scouts of America Equal Access Act (2001).

### THE AGE DISCRIMINATION ACT OF 1975

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive federal financial assistance. This prohibition extends to all state education agencies, elementary and secondary school systems, colleges and universities, vocational schools, proprietary schools, state vocational rehabilitation agencies, libraries, and museums that receive federal financial assistance from the U.S. Department of Education. Programs or activities that receive such funds must provide aids, benefits, or services in a nondiscriminatory manner. These include, but are not limited to, admissions, recruitment, financial aid, academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, and housing. Though the Act does not limit protections against discrimination to a certain age group, it does allow for exceptions, such as when colleges offer programs that are geared toward providing special benefits to children and the elderly.

In FY 2023, OCR resolved 658 complaints under the Age Discrimination Act. Common remedies in OCR resolutions under this law include provisions

that require the recipient to provide training for staff, update and disseminate nondiscrimination policies, and investigate the specific incidents that resulted in the allegation of age discrimination.

### THE BOY SCOUTS OF AMERICA EQUAL ACCESS ACT

OCR also enforces the Boy Scouts of America Equal Access Act. Under this Act, no public elementary school, public secondary school, or state or local education agency that provides an opportunity for one or more outside youth or community groups to meet at the school, before or after school hours, shall deny equal access or a fair opportunity to meet or otherwise discriminate against any group officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society. In FY 2023, OCR resolved 97 complaints under the Boy Scouts of America Equal Access Act.



*Report to THE PRESIDENT and SECRETARY OF EDUCATION*

## LOOKING AHEAD

This report summarizes and encapsulates OCR's efforts this fiscal year to fulfill our charge to ensure civil rights compliance among all recipients of federal funds so no student must experience discrimination based on race, color, national origin, sex, disability, or age or in violation of the Boy Scouts of America Equal Access Act. OCR will continue our vigilance to meet those challenges for the nation's school communities in the coming years.



Mr. Deutch, could you respond to that?

Mr. DEUTCH. Sure. First, just to follow up on Mr. Marcus's point, I think—and your exchange with Mr. LaHood—I think it is really important for the Department to be very clear about what the potential repercussions are for universities, so that everyone understands, so that everyone understands what the result of these cases could be, where these could lead. The fact that they are now—it is a step forward that they are now disclosing the number of cases. I think it is really important to be clear about what the penalties are.

And then, at the same time, the good news is there are so many—good news/bad news—but because of the situation we are in, there is a crisis, but they are stepping up to meet the crisis and launching these investigations. The problem is there aren't sufficient investigators. There aren't enough resources.

I agree with Mr. Marcus that it is slow. The workload for each of the investigators almost guarantees that. They need additional funding so that you can bulk up the staff at this moment, when these—more investigators will mean a greater and a faster response.

Mr. LARSON. Thank you. I agree with Mr. Marcus, as well, with regard to that.

And I also agree that there is no one on this committee on this issue that has as much passion as Mr. Schneider, and I will yield to him my remaining time.

Mr. SCHNEIDER. Thank you. Thank you very much. And I am going to pick up where I left off. I asked Mr. Marcus about what he had seen in the past. Professor Davidai, you have kind of been outspoken, and you have experienced it.

And first, let me apologize. I conflated Columbia with Cornell. I know, Talia, you graduated from Cornell, as did you, Professor Davidai. But you are at Columbia now.

And we saw this almost with a flip of a switch on October 7, the protests. Can you touch a little bit on what you saw on October 7 and 8 in Columbia, as far as what the protests, including from professors, looked like?

Mr. DAVIDAI. Yes, actually, I disagree with the premise. This was not a switch that changed. This is something that has been for decades. There has been a movie in 2004 called "Columbia Unbecoming," about the antisemitic professors, many who I have mentioned in my testimony. Columbia has known about this and done nothing about that.

You asked about protests before. Well, in 2005—or starting in 2005, Professor George Saliba used to cancel classes so his students can attend anti-Israel protests. What we have seen is not a switch, just an increase in the vehemence. And it actually points to the question Mr. Schweikert asked of what snapped. Nothing snapped. If you look around, the vast majority of your colleagues, both Democrats and Republicans, are not here. They didn't see this as a top priority. So their constituents and the students around the country, they see that antisemitism, support for terrorism is not a priority for the House. So why wouldn't they go and protest?

Mr. SCHNEIDER. Thank you. I am going to challenge you, though.

Mr. DAVIDAI. Yes.

Mr. SCHNEIDER. We have often times two, three hearings all at the same time.

Mr. DAVIDAI. Exactly.

Mr. SCHNEIDER. There is a Budget hearing going on as we are talking now.

Mr. DAVIDAI. That is why I said a priority. I didn't say they don't want to be here. They have other priorities.

Mr. SCHNEIDER. It is not a matter of priority. We come, we go. People will be here. You will see them coming throughout this. This is a priority. That is why we have this hearing. It is a priority. That is why we have had legislation come to the floor, and we need to make sure it stays a priority. We elevate it. And as Mr. Larson said, this is something that on both sides of the aisle in this committee, Republicans and Democrats, are focused on.

Mr. DAVIDAI. I respectfully disagree.

Mr. SCHNEIDER. I yield back.

Mr. DAVIDAI. I have to say I respect—priorities are—the top priority is where you show up, and this is not the top priority. It is a second, third, or fourth priority.

Chairman SMITH. Mr. Davidai, I completely agree with you. I believe members of this committee were asked to serve on this committee, and they should be present, and it is all about priorities. We are busy people, but this is the most important committee in Congress, and that is why people should be in their seats.

Dr. Wenstrup.

Mr. WENSTRUP. Thank you, Mr. Chairman, and I want to give a heartfelt thank you to all the witnesses for being here today. You have been through a lot.

And before I begin, I would like to submit a statement for the record on behalf of my good friend, Dr. Murphy, who could not attend the hearing today due to a personal medical issue. Dr. Murphy is a former member of the Board of Trustees at Davidson College, so he has firsthand knowledge of the seismic shift we are seeing on college campuses today.

[The statement of Dr. Murphy follows:]

**Congress of the United States**  
**Washington, DC 20515**

**Statement prepared for:**  
**U.S. House Committee on Ways and Means**  
**Full Committee**

**Re: Hearing on the Crisis on Campus: Antisemitism, Radical Faculty, and the Failure of University Leadership**

Thank you, Chairman Smith and Ranking Member Neal, for holding this hearing. Please pardon my absence at this extremely important hearing to deal with a personal medical issue.

As a former Board of Trustees member at my alma mater, I have witnessed first-hand the seismic shifts occurring on college campuses. Universities have compelled speech by mandating political diversity statements during the hiring and admissions process for prospective faculty members and students. The unfettered spending contributing to administrative bloat has resulted in increased tuition and fees for students. University endowment funds have been used to invest in entities with abhorrent human rights abuses in China. And most recently, the entire world has witnessed the failure of university leadership to stand up to antisemitism and foster an environment on campus where students are safe and free to learn.

During recent anti-American protests at Columbia University, Eden Yadegar, President of Students Supporting Israel, said, “We have been attacked by sticks outside our library. We have been attacked by angry mobs...” Students at Columbia University also stated they received many death threats and denunciations such as, “Go back to Poland” and “Zionists don’t deserve to live here.” Khymani James, one of the protest leaders, in a video, stated, “Be grateful that I’m not just going out and murdering Zionists” and even suggested Zionists, white supremacists, and Nazis are all the same because their existence is “antithetical to peace.”

Hannah Beth Schlacter, an MBA student at UC Berkeley, said that she was spit on and called a “dirty Jew” during an on-campus protest. When describing the difficulty, it took for her for getting help from the University Police Force she said this: “When you do not call out hate against Jews based on shared ancestral identity, that sends the message to other students on campus that it is okay, socially acceptable, tolerated behavior to actively hate Jews on campus.” She also said due to violent protests she would not go to class.

These despicable actions are among some of the most egregious examples of antisemitism occurring on college campuses – actions which are admissible or ignored by certain university faculty and leadership. Unfortunately, this issue is widespread. According to one report, there have been 1804 reported antisemitic incidents on college campuses since October 7, 2023 – a 700 percent increase compared to last year.

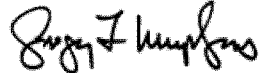
Thankfully, some leaders are standing up to antisemitism. At the University of North Carolina Chapel Hill, protesters had organized and set up an encampment on campus. Pro-Palestine protesters knocked over barricades, defaced university property, threw objects at police officers,

and removed the American flag in Polk Place and replaced it with the Palestinian flag. On April 30, 2024, interim-Chancellor Lee Roberts, along with law enforcement, patriotically and rightfully restored the American flag on campus and had this to say to the protesters: "This university doesn't belong to a small group of protesters. It belongs to every citizen of North Carolina. Everybody in North Carolina, everybody who goes to school here, everybody who lives and works here. The (American) flag represents all of us. To take down that flag and put up another flag, no matter what other flag it is, that's antithetical to who we are, what this university stands for, what we have done for 229 years."

There are no excuses university leadership can make to justify their failed leadership and allow antisemitism to occur on their campuses. For too long, higher education has become a bastion for what to think, not how to think.

I applaud the Ways and Means Committee for shedding light on the crisis occurring on campus.

Sincerely,

A handwritten signature in black ink, appearing to read "Gregory F. Murphy". The signature is fluid and cursive, with the first name "Gregory" being more prominent.

Gregory F. Murphy, M.D.  
Member of Congress

And frankly, I find it disheartening and profoundly disappointing that we are all here once again forced to reckon with this virulent antisemitism that has only grown worse since we last convened in November in the wake of the October 7 attacks. It is very disappointing.

You know, what I see happening on our college campuses, to me, is anti-American, it is anti-Jewish, it is anti-freedom. And to me, these are nothing more—some of these campuses have become nothing more than treasonous cells and terrorist cells.

Ms. Dror, you have been terrorized, and so have many others.

I don't know what people are supposed to do for a college education for their kids today. You know, maybe we can go to homeschooling for college. I don't know where we are supposed to go.

We need to consider where we allow our tax dollars to go. Our President wants to pay off student loans even for those that hate America. And it is the very taxpayers whose money it would take to do so. What are we doing?

You know, it is not just universities. It is throughout. It is in sports. It is everywhere else. I had an NFL running back one time get in my face that I haven't done enough to promote DEI. I didn't see him promoting DEI for his offensive line. It was merit-based, wasn't it?

And though many institutions, their intentions may be good—and when we see this in professional sports, you know, not all teams are playing along with the negativity. And what I would much rather see in end zones today is maybe something as simple as love your neighbor. That seems to me to cover it all, and we would be much better off.

So I think about what can we do here in this body besides greater awareness that only goes so far. Professor, you just alluded to that. It is very difficult. But I will say this, and I allow any one of you to answer the question. What would happen if we cut off federal funds to any university that was allowing these types of things to go on on their campuses?

Mr. DAVIDAI. So I would say that, even before you cut it off, their knees will start shaking and change will happen.

We have to remember, Columbia University is the largest private landlord in New York City, and it is a tax-exempt largest private landlord. They own the land of Rockefeller Center. They own most of Morningside Heights, and many of the buildings in Harlem. You know, if only the thought of losing that tax exemption would pass through their minds, you would see no more antisemitism. You won't see any misdoing anything on campus, because these universities—and I have spent a lot of time in these universities—they are not elite universities, they are expensive universities. All they care about is money and PR. And if you start playing with that, things will change.

Mr. WENSTRUP. Thank you. Anyone else?

Ms. DROR. I couldn't agree more, and I would like to actually take this moment to thank Mr. Smith for his investigation. Every single positive action I have seen out of Cornell in the past seven months has been the result of the pressure of this committee. I have a lot to be grateful for, but I do think that you will see tan-



gible, tangible results when you place pressure on these universities that think that they are allergic to any form of punishment.

Mr. PIDLUZNY. May I add one thing? And thank you for the question.

I think the premise behind the tax exemption is that these are institutions that are organized and operated exclusively for educational purposes. Universities don't look today what they looked like 50 years ago. They have 4, 5, \$6 billion budgets. They manage wealth equivalent to a large hedge fund. They sell a lavish college experience, luxury dorms, gourmet food subsidized by taxpayers. They operate multi-million or billion-dollar research labs. They hire teams of lobbyists. Some have hundreds of millions in foreign revenue. They run DEI programs that understand their purpose as being to reengineer American society. That is a political purpose; that is not an educative function.

Elite universities are simply no longer driven by truth-seeking or education as their guiding ethos.

Mr. WENSTRUP. Anyone else?

Thank you, I yield back.

Chairman SMITH. Thank you.

Dr. Ferguson.

Dr. FERGUSON. Thank you, Chairman Smith, and thanks to each of you for being here. I want you to think about time in our nation's history when we actually had universities that would discriminate against African-Americans on admissions policies. How horrible do we think that that was and is, and it should never happen again.

And I take you back to the case of *United States v. Bob Jones University*, where, because of their racially discriminatory policies, their tax-exempt status was removed. And in studying the case—and keep in mind, I am a dentist playing lawyer up here, so you will have to excuse my very simplistic method here, but it seems that we are in very similar territory right now, where you have universities that are clearly violating the civil rights of its students.

And the Honorable Mr. Marcus, could you weigh in on—do you think that there are similarities in the violation of the students' civil rights today that is like what happened with Bob Jones University?

And do you think that that should be reason for the IRS to revoke the tax-exempt status of these universities that continue to violate the civil rights of their students?

Mr. MARCUS. Congressman Ferguson, you have raised an important issue. I don't think we need to compare the discrimination that Jewish students faced to those of African Americans to realize that there is a problem, and a problem that is not being taken seriously enough.

Universities are responding to OCR investigations. They are responding to lawsuits. However, most universities are virtually addicted to Federal funding and tax exemption. If any university was seriously threatened with either one of them, it would create a massive change within both that university and also its peers around the country.

Right now we don't have that sort of incentive effect. We don't have the sort of action that you described with respect to Bob Jones University. But if we had that sort of forcefulness, it would get a very different sort of reaction than what we have been seeing.

Dr. FERGUSON. So what—and, you know, look, I am pragmatic, and I am a political realist. And we could go through the process of writing legislation and passing laws. I don't know that—how many of my colleagues on the other side of the aisle would move to advance this, particularly in the U.S. Senate, and I have really no hope that the current Administration would sign it into law, much less enforce it.

However, there is precedent to do this administratively through—with the IRS, and it seems to me that a very similar type of environment exists here. And I am just wondering when student groups or different advocacy groups would actually look at suing these universities to have their tax-exempt status removed for violation of the Civil Rights Act.

In addition to that, not only should the IRS look at it administratively following their guidelines from previous cases, but I think they should even think about introducing not only removing the tax-exempt status, but possibly a financial penalty, as well. If these schools are going to receive federal funds—and if they don't do that, there should be some sort of clawback or even some sort of penalty.

Professor, could you speak to that?

Mr. DAVIDAI. Yes, I really appreciate your pragmatism. Like you, I don't like big ideas that are not rooted in reality. So I would say the most pragmatic thing is for Americans to understand what they are funding, right?

Like, we talk about universities as this broad thing—

Dr. FERGUSON. But Professor, I think this committee and our chairman have done a great job of really looking at that piece of it. But in the end, there has got to be a mechanism or a lever that can be pulled that has a profound effect on their behavior. And it seems to me—and Doctor, if you could weigh in on this very quickly—that removal of the tax-exempt status, and that tool has been used in the past by the IRS—it seems like that would be a very effective tool, and also a financial penalty for the violation of student rights while they are receiving Federal funds.

Mr. DAVIDAI. Right, so one thing—

Dr. FERGUSON. Professor, do you mind if I let Dr. —

Mr. DAVIDAI. Oh, because I would just say—sorry, but one thing that I would say. Once the universities' budgets get hurt, this will be affecting the professor's budget. And once the professor's salaries and research budgets get hurt, they will upkeep the norms, and push out the hateful professors from amidst them.

Dr. FERGUSON. So very quickly, Mr. Chairman, do you mind if we—response—

Chairman SMITH. Proceed quickly.

Mr. PIDLUZNY. So my opinion is that only strong financial incentives will change behavior.

One of the things we have observed in the last eight months is that universities that don't have tremendous amounts of resources, they don't have this problem. And the reason they don't have this

problem is because they don't have money to waste on highly ideological, divisive programs. They focus on educating. And so, if we constrain the funding, universities will have to make choices, and some of them will redirect their resources to their educational mission.

Dr. FERGUSON. Thank you, Mr. Chairman. I appreciate your indulgence.

Chairman SMITH. Thank you.

Mr. Pascrell.

Mr. PASCRELL. Thank you, Mr. Chairman. Thanks for putting us together this morning on this very important topic. Each witness was excellent, I thought. And I think, Mr. Chairman, it is good to point out the fact that some of our brothers and sisters have left. They probably have other assignments. But don't forget, we were a half hour late. We were a half hour late starting the committee to begin with. And I am not trying to be a wise guy, but what is fair is fair here.

The children are listening. Don't think they are not listening. So we can compare notes since October the 7th to talk about how we, our families, have been put in jeopardy perhaps. But we must protect also what I would call academia. We are not going to solve this problem by threatening academia. We haven't in the past on other issues.

I agree to some degree with my brother from Pennsylvania, Mr. Kelly, that the law and your heart are two different things. We know that. But we are a nation of laws. We made that decision a long time ago. And balancing those losses is difficult. It is complex. That is why we have a legislature. That is why we have an executive. That is why we have a Supreme Court. Regardless of how you like them or you don't like them, that is why we have three branches of government to try to check and balance. So you are not going to solve this problem and threaten academia.

And free speech is very important and very critical. When it interrupts the comfort of a student trying to learn at a college, we have a right to stand and protest that, to get the institution who allows it to happen to wake up. I think that is critical.

I studied the anatomy of what happened in Charlottesville. I studied it very carefully from the two days before it happened until the time when—what was his name? We forgot his name already. James Fields killed a counter-protester, Heather Heyer. I studied it very carefully, of what started off the neo-Nazis that ran the park two nights in a row, and what they chanted. Study what they chanted and what it meant.

We got major problems here. And you cannot equivocate. You cannot say there is good and bad in each of the groups and everything like that that we heard.

Democrats and Republicans have not done the job as they should. But the children are listening. And the first people they listened to were their parents. Listen to what Mr. Kelly said. The parents, us. A wink and a blink gets you by sometimes, but it causes a tremendous amount of damage.

Tens of millions of Americans have been shocked and disgusted by the antisemitic poison we have seen in college campuses. The displays of many of these campuses are a disgrace. Administrators,

faculty at some of these schools have fostered environments of intolerance, ignorance, and cruelty in the name of free speech, in the name of free speech.

No, we are not going to solve this by law. But if we are quiet, and we don't speak up our minds, and are not afraid to stand even when the crowd may not be with us—it is easy to talk to everybody who agrees with us—we are in bad shape, worse shape than I thought.

So I would suggest, Mr. Chairman, that this be an ongoing situation until not only we cool the waters, but we see progress on the campuses so that we define what free speech is and what it is not. And when I am on a campus to learn, and I don't feel comfortable even to go to class, that is horrific. And I will not tolerate it as a legislator. So get rid of me, then. Try.

Mr. Chairman, thank you, and I hope we have another one soon.

Chairman SMITH. Thank you. Thank you. Mrs. Steel is recognized.

Mrs. STEEL. Thank you, Mr. Chairman, for hosting this hearing, and thank you for all the witnesses coming in.

I am not here to lecture you, because you know more than I do about antisemitism and, you know, what is going on with the campus. But we must ensure that schools are fulfilling their educational purpose as required to maintain tax-exempt status under the law.

But Professor Davidai just said that, you know, just take that tax-exempt status away. I don't think that is enough, because we have to do more than that. So my bill, the DETERRENT Act, would add transparency, accountability, and clarity to colleges and universities, and hold them accountable for foreign funds they receive. And I hope that Senate will pass it immediately because we see the Qatari, pro-Hamas countries that, you know, they are actually pouring money in, hundreds of millions of dollars to these universities.

When we had a hearing at the Education Committee, I asked those university presidents—they are the ones raising funds for their universities, and I asked them, How much you received, the money from Qatar? He decided not to answer. Actually, they said they are going to come back to us. But you know what? We didn't get any answers because they all resigned from their positions.

So I really want to see how much we really pour money into brainwashing our students. Just brainwashing. You know what? We have to teach our kids how to think, instead of just brainwashing and spreading this propaganda. So we really have to change these campuses.

And another thing is, when we actually take tax money away, it is not—as of now, actually, it is not even going to the classes or professors. It goes to the administration. We have our—these prominent universities. It has a much, much bigger administration than actually this money going into the classroom. So we have to really watch out that—how much is really going to the classrooms and students that, you know, we really have to change that.

So Mr. Marcus, when students are assaulted during campus events—because I just saw that—I think you all did, too, the video—UCLA is one of the prominent colleges. I didn't go there, I

went to USC, so it is—you know, I think USC is a much better school than UCLA. But having said that, one of the Jewish students at UCLA was kicked in the face. They took his yarmulke off. And this anti-Israeli protester during a pro-Palestinian encampment—this protester was chasing him with a taser. It should not happen on the campus.

So do you think it is a good indicator that schools are fulfilling their educational purpose, as required by law?

And what do we have to do?

I think I am asking Mr. Marcus about this.

Mr. MARCUS. Well, Congresswoman Steel, I think that it is fair to say that, when students are assaulted in that way, they are prevented from enjoying an equal opportunity to an education, no question about it.

I would also say that on many campuses there is a permissiveness towards masked students. And then the universities say, well, what can we do about it? We can't identify the perpetrator. Well, they don't have to permit the masks in the first place, and they certainly can take action after it happens, if not also before. Yes, indeed.

Mrs. STEEL. How about those—that UCLA had the mandatory meeting that the lecturer led the students in a “Free Palestine” chant. I don't know if you guys all read about it or you guys all watched it or not.

But Mr. Marcus, based on what you have seen, can you speak to the role that radical faculty like this play in the antisemitism occurring across the college campuses?

Mr. MARCUS. Look, there are good faculty and not good faculty. But too often we are seeing faculty members who are promoting this in a lot of different ways. There has been discussion today about faculty members who actually join in bigoted protest activities. But even beyond that, there are faculty members who encourage it through their teaching, through the doctrines they adopt, through the ways in which they use the bully pulpit, as it were, to spread hate towards the Jewish people, towards Israeli-Americans and others.

We can look at all of the new policies we would like from Administration. But as long as faculty are fomenting this hate, we are really not going to solve the problem.

Mrs. STEEL. Dr. Pidluzny—if I pronounced it right; if I didn't, I am sorry—I understand that you have written about this previously, what are your thoughts on what schools could do better to combat the rise of antisemitism on their campuses, and the role that radical faculty are playing in it?

Mr. PIDLUZNY. Thank you for the question, and I applaud the DETERRENT Act. Thank you for all that work.

I think we know from empirical research that universities with pro-BDS, anti-Zionist faculty see higher levels of student-on-student harassment, and we know that those faculty are funded by foreign entities.

So I would say the first thing that they should do is they should audit their foreign gifts. That is one thing that OCR should ask universities to do as it starts to reach some settlement agreements:

Audit your foreign gifts and disclose their purpose to the Department of Education.

Another thing that I think they could do is audit their academic programs. Is their intense, anti-Israel bias in public affairs? If there is intense intellectual bias in public affairs disciplines, bring viewpoint diversity to those disciplines so that students hear two sides.

Mrs. STEEL. Thank you very much.

I yield back.

Chairman SMITH. Mr. Smucker.

Mr. SMUCKER. Thank you, Mr. Chairman, for convening this hearing.

Since this committee met in November and December of last year, not only has antisemitism on college campuses grown worse, it has also morphed into anti-American rhetoric, as well. And several institutions that we have heard today have placated the mob of violent protesters who have terrorized Jewish students. And we all worry, I think, about what the situation will look like when classes resume at the end of the summer.

At an earlier hearing I had asked about the impact of foreign money from adversarial nations, or nations that don't have our own interests in mind, the impact of that money on domestic higher education systems. For example, Qatar has contributed \$4.7 billion to U.S. academic institutions from 2001 to 2021. It is the same country that harbors leaders of Hamas in Doha, finances Hamas, and blamed Israel for the October 7 attacks.

The University of Pennsylvania in my state received \$130 million in donations from China from 2018 to 2023, including from individuals with ties to the CCP. And of course, that is the same CCP which has falsely accused Israel of being an oppressor nation, and took the side of South Africa in calling Israel's response to the October 7 terror attacks a genocide.

Mr. Pidluzny—and I hope I got the name close to right—most higher education institutions are tax-exempt organizations under section 501(c)(3) of the Internal Revenue Code. This was discussed briefly. But when this section of the tax code was created, do you believe it was intended to be leveraged by foreign governments?

Mr. PIDLUZNY. Absolutely not. You know, I said a moment ago—I think you may have not been in the room—that the universities' tax-exempt status is based on their being organized and operated exclusively for educational purposes. I think, if you go back 50 years, that probably is true of the vast majority of universities. They take educating very seriously.

Today, you know, I am in the habit of recommending that young people don't go to an elite university, as when I was a university professor, or that they don't go to an R1 research university because the faculty are in their labs doing research, they are mentoring their graduate students, and they aren't interested in undergraduate education.

So today our university systems or multiversities, they are not focused on education, right? They are focused on disseminating an ideology, right? Administrative spending is through the roof. Some universities have more administrators than they have undergraduates.

Mr. SMUCKER. So you would agree that it certainly is not within the spirit of the law for foreign governments to directly or indirectly promote their agendas at colleges and universities?

Mr. PIDLUZNY. Of course not. You know, the——

Mr. SMUCKER. Do you think—and I am sorry, I just don't have a lot of time—do you think these institutions that receive foreign donations should be subject to taxes on those donations?

Mr. PIDLUZNY. I think that is an idea worth exploring, because the only way to change behavior will be financial levers.

Mr. SMUCKER. Do you know if foreign universities, just by comparison, do they accept donations or grants from American citizens, institutions, or the federal government?

Mr. PIDLUZNY. That is not something I have studied.

Mr. SMUCKER. Yes, and I wonder, if they do, how do foreign countries regulate or monitor those grants? Do you have any—do you know at all?

Mr. PIDLUZNY. I am not aware, no.

Mr. SMUCKER. Mr. Marcus, you have seen how the Education Department has failed at properly enforcing Title VI. Do you believe that foreign donations which fund certain faculty fellowships or departmental chairs have influenced the curriculum at these institutions?

Mr. MARCUS. Foreign governments and foreign entities are pumping a large amount of money into U.S. universities, and it is hard to imagine that it is having no influence, and particularly no deleterious influence.

At the same time, I would have to say that we are doing a weak job on our own, particularly when it comes to our elementary and secondary schools, which are now themselves also a source of anti-semitism, which then creates worse problems in higher education.

Mr. SMUCKER. Sure. What transparency do we have now, or what could we do to ensure that there is transparency around these foreign grants, which potentially shape the school curriculum?

Mr. MARCUS. We do have rules that require disclosure of foreign contributions to U.S. universities, but weak enforcement systems and little in the way of penalties when they fail to do so. As a result, there has been widespread failure to report over the years.

Mr. SMUCKER. Thank you.

Thank you, Mr. Chairman.

Chairman SMITH. Thank you.

Mr. Davis.

Mr. DAVIS. Thank you, Mr. Chairman, for holding this hearing, and I don't think we can discuss the issues enough that we are discussing now.

I want to thank all of the witnesses for the care and attention that you have given to your responses and to your positions.

As I listen to the discussion, I am reminded of something that President John Kennedy said one time discussing peace. And he said that peace is not only found in treaties, covenants, and charters, but in the hearts of men. And I guess, if he was alive, he probably would say the hearts of men and women. So I think we look for many places for answers and solutions.

It is so good to see you, Ted. And I am very interested in the work that you are doing, and I assume that the purpose of our hearing is to try and reduce antisemitism, reduce the rise, reduce discrimination, reduce hatred, reduce all of those negative things that we are seeing exist on college campuses. And I guess not only on college campuses, because they exist in many other places, many other organizational entities, and all of the places where people do business.

Representative Deutch, let me ask you. Because I think if we take or if we allow ourselves to take a deeper dive into the history of our nation, the history of our Constitution, the history of how America got to be the America that it is, that many people would have different levels of understanding and different views.

So my first question to you is, do you think if we studied history more in our elementary and high schools, or leading up to college campuses, that by the time individuals get there their views may be different than some of what is being expressed?

Mr. DEUTCH. Representative Davis, thank you. It is good to see you, as well.

The answer to that is absolutely yes. The challenge—and Mr. Marcus just alluded to this—the challenge is that now, in too many elementary and middle and high schools, we have seen—just as we are seeing on college campuses, we are seeing an attempt to erase the Jewish contribution in America, to specifically exclude the Jewish community, to refuse to acknowledge the existence of antisemitism.

And the problem—I want to make one point, Congressman Davis, that has not been made, because it should be obvious. The reason all of this—the reason that everything that Professor Davidai has experienced is so relevant to everything we are discussing, our own survey shows that over 80 percent of American Jews, over 80 percent, say that caring about Israel is important to what being Jewish means to them. That is the—with that understanding, Congressman Davis, yes, we need people to better understand the facts about the Jewish community, the facts about Israel, the facts about the history of antisemitism that did not start on October 8, that for millennia this is what we have been battling, what that means, and why we have to combat it.

Mr. DAVIS. You mentioned the need for mandatory antisemitism training. Are there examples of—

Mr. DEUTCH. Yes, sure. We, AJC, has provided training for both high schools and, importantly, universities around the country who will, when they acknowledge the problem on their campus, will come in and provide training to the president and his or her senior staff, or to all of the faculty, or, best case, to the entire university community to help them understand what antisemitism is, what the Jewish community is, to help break down the antisemitic conspiracy theories that so many people aren't even aware that they are using, and to help them understand why anti-Zionism that says that the only state in the world that has no right to exist is the Jewish state has the impact that it does on the Jewish community when you say it, particularly when the way that you say it is to call for death to Zionists.



Mr. DAVIS. So we need to do as much in the way of educating as we do trying to change our rules and laws and all of those other things, as well. And one is probably as good as the other.

Mr. DEUTCH. We need to educate as—and even as all—as the August members of this committee talk about potential changes to the law, the opportunity right now to go to all of your local universities, all of the universities in the country and ask the presidents, “It is now the middle of June, what are you doing to prepare for what is likely to occur, and the threats that will exist for Jewish students when they return in the fall?” Now is the time for them to prepare those plans, and to share them with the community and with the country.

Mr. DAVIS. Thank you very much.

And I yield back, Mr. Chairman.

Chairman SMITH. Thank you.

Mr. HERN.

Mr. HERN. Thank you, Mr. Chairman. Thanks to the witnesses for being here.

Congressman, thanks for being here.

There are many Jewish families and organizations in my district in Tulsa, Oklahoma who are integral to our community. My district also has a large evangelical population that prays for the peace of Jerusalem, and I am proud to be one of those. We also have the Sherwin Miller Museum, which hosts a sobering exhibit, educating, as you just mentioned, citizens on the realities of the Holocaust.

Understanding and remembering history is important if we wish to avoid repeating the horrors of the past, just as my colleague from Illinois just mentioned. Every American should be outraged by what we are seeing across the country. These demonstrations are pro-terrorism and anti-American, and should be universally condemned.

This isn’t just about expression. It is a dangerous endorsement of violence on American soil. It is alarming, protesters scaling buildings, waving terrorist propaganda, repeating slogans rooted in hatred, barring Jews from entering buildings, holding janitors captive. This isn’t activism; it is extremism, borderline terrorism.

It is deeply troubling to see the lack of moral clarity in university leaders who refuse to condemn antisemitic demonstrations on campuses. It is a sad day in America when parents at school board meetings are deemed terrorists, but Hamas’s brutal violence against women and children is defended, even celebrated, on our campuses across America.

Unfortunately, this confusion and chaos at higher institutions of higher ed is not an anomaly. For decades, prestigious colleges have slowly soiled their reputations by embracing Marxism, Confucius institutes, and moral relativism at the expense of merit, virtue, and truth. Education is no longer the mission. Whether intentionally or not, this is stupidity. Universities have allowed radical ideologies, often funded by the Chinese Communist Party, to indoctrinate our students. Universities have strayed from their academic mission in pursuit of DEI, teaching students to make judgments of people based on race, gender, and sexual identity, instead of teaching students to respect every person as an individual with dignity and inherent worth.

All is not lost, though. In the face of blatant hatred and antisemitism, millions of Americans of all races and religions have shown support, love, and kindness to our Jewish friends and neighbors. Support for Hamas is support for terrorism, plain and simple. Organizations that funnel money to terrorists or take money from known terrorist organizations should not hold tax-exempt status.

As members of this Ways and Means Committee, we hold the power of the purse and tax-exempt status. With that power comes great responsibility to provide oversight on charities and universities that potentially abuse their tax-exempt status. American universities continue to receive billions of dollars in the form of taxpayer subsidies, tax breaks, and federal payments. Yet antisemitic incidences increase on our campus. Higher ed should not continue to receive taxpayer money in the form of federal payments, grants, or tax exemptions if they continue to turn a blind eye to antisemitism on their campuses.

Dr. Pidluzny, I understand you have written extensively about DEI efforts on college campuses, particularly about how these efforts fundamentally alter the course of an institution's academic mission. These are the same institutions that receive billions of taxpayer dollars each year through the tax-exempt status. Do you believe these institutions, who either implement DEI policies or promote antisemitism, are worthy of taxpayer dollars?

Should American taxpayers be forced to subsidize this institutional hatred?

Mr. PIDLUZNY. Not if they continue once they are warned.

So I think universities need to be on warning that this is something this committee is looking at.

I would also like to say a little bit about how profoundly DEI has reshaped these institutions. We are talking about an investment of 25 to \$35 million at large universities like University of Texas System or University of Florida System or Berkeley. That is a quarter billion dollars over a decade, right? That allows an army of activists to incorporate DEI screens into hiring processes, into tenure policies. They create mandatory trainings that teach young people to make snap judgments about each other based on race stereotypes, race exclusionary graduations, bias response teams, forbidden word lists, new curriculum, right? This has profoundly transformed our institutions.

Mr. HERN. Thank you.

Mr. Marcus, can you tell us what role you have seen DEI programs play in the rise of antisemitism on college campuses?

Mr. MARCUS. Congressman Hern, I have seen a mixed bag. In candor, we have seen some students who say that the DEI offices have been a help to them when they face antisemitism. We have seen many who say that it is not helpful to them. And we have seen some who will say that it is a problem for a few reasons, first because DEI offices in so many cases fail to even recognize that Jewish students exist, or that antisemitism is a problem; second because they too often have this notion of oppressors and oppressed with nothing in between, and that sort of simplicity isn't helpful; and third because, once they make that division, they too often say, well, Jews are not among the oppressed, they are among the op-

pressors, and they fall back on stereotypes that are harmful both to Jews and everyone else.

Mr. HERN. Thank you for your testimony.

Mr. Chairman, I yield back.

Chairman SMITH. Mr. Kustoff.

Mr. KUSTOFF. Thank you, Mr. Chairman. Thank you to the witnesses for appearing today.

And Mr. Marcus, if I could with you, I want to follow up on a line of questioning that Congressmen Smucker and Hern have asked about. In fact, I just looked up it has been 250 days since the October 7 attacks which—in some ways it seems like longer, in some ways it seems like yesterday, I think, to everybody.

This past weekend, with the hostage rescue—by the way, they weren't released, as some news organizations said. They were rescued, bravely. But we learned that a journalist who was working for the Palestine Chronicle was holding Israeli hostages in his home in Gaza. Three of the four that were released was held by him.

And I do want to remind people that the Palestine Chronicle is part of the People Media Project, which is a 500(c)(3) tax-exempt organization based in the United States of America.

So I bring all that up—Congressman Schneider and I cosponsored a bill, H.R. 6408. It is a bill to revoke the tax-exempt status of any non-profit that provides—keywords, material support—to a designated terrorist group. And I will tell you that I am proud that this committee passed that bill out of this committee by a vote of 41 to 0. You know the partisan nature of Washington. That says something. I am also very proud that the entire body, the entire House of Representatives, passed that bill on April 15th of this year by a vote of 382 to 11—again, a very strong vote.

My point is this, and I am coming to my question in just a moment: I think if we want to disrupt the financing behind terrorists and extremist antisemitism, we have got to know where the money is coming from in the first place.

Now, in your testimony, certainly in your written testimony, you talk about the DOJ investigating, you talk about OCR investigating. So my question to you is, what tools do they have to investigate, to show that, from a reporting standpoint or compliance, that it is being done?

And then secondly, if I can, from your standpoint, has the Biden Administration used the tools that they have got with DOJ or OCR to investigate and go to the root of the funding?

Mr. MARCUS. So Congressman Kustoff, we have not seen the full array of tools being used by any means. Some tools, yes, but certainly not all.

During the prior Administration we saw investigations of undisclosed foreign funding in violation of Federal law. More of that would be useful. We are seeing some actions by OCR, some by DoJ, but certainly not the sort of joint initiatives that those two departments used in prior administrations, certainly not the sort of show of combined force on college campuses that would send a signal.

So I would say that there remain unused tools that are available that should be handled, but aren't.

Mr. KUSTOFF. All right. Let me, if I can, ask a question a different way, maybe a different way than Mr. Smucker and Mr. Hern asked.

In terms of higher education, you are formerly an administration official with the Department of Education. Do you have any recommendations on how we can increase the transparency of the foreign funding as it relates to higher education?

Mr. MARCUS. Congressman Kustoff, if you were to increase the penalties for non-compliance, if you were to increase the enforcement over non-compliance, if you were to lower the threshold for disclosure requirements, in any of those instances I think you would have much greater transparency.

Mr. KUSTOFF. Thank you. I thank you, I thank all the witnesses.

And Mr. Chairman, I will yield back.

Chairman SMITH. Mr. Kildee.

Mr. KILDEE. Thank you, Mr. Chairman, and thank you so much to the witnesses for being here. Your testimony is very helpful, and I think comes at a critical moment.

Congratulations to Ms. Dror. It is good to see you again. Congratulations on your graduation.

It is particularly good to see my friend, our former colleague, Congressman Ted Deutch, a fellow University of Michigan alum.

I will note thanks for the great work you are doing.

Look, I think it is clear antisemitism has no place in our communities, and absolutely has no place on college campuses or universities all across the nation. We are seeing acts of antisemitism on the rise. The Anti-Defamation League has reported large upticks in these threats, verbal and written harassment, and antisemitic acts.

And let's be crystal clear: we are not talking about the right to protest, we are not talking about the right to disagree, we are not even talking about acts of civil disobedience as we know them to be important elements of public disagreement in this country. What we are talking about is hate speech that has a consequence, instills fear in people, leads to acts of violence.

Just two weeks ago, as a matter—as an example, I mentioned the University of Michigan. A good friend of mine, a regent, an elected regent at the University of Michigan, Jordan Acker, who happens to be Jewish, had his law office vandalized with antisemitic graffiti. Acts like this are completely unacceptable, and can't become normalized. That is why hearings like this are important, to put it on the record, to make it clear that the right to disagree cannot be conflated with hate speech that has a consequence and degrades the quality of our society.

So I am happy to see some action. I am happy that the Biden Administration are taking actions to address much of this ongoing engagement with Homeland Security, Department of Justice, state and local law enforcement. That is important.

But speaking out on antisemitism is not and should never become a political or partisan issue. And there are some who will try to take this moment to weaponize it for political purposes. Like most Americans, we can't tolerate that.

We all struggle to try to make sense of the acts that we have seen take place, starting with a horrific attack by Hamas on Israel

on October 7, the fact that hostages continue to be held, and for some, obviously—myself included—the thousands and thousands of innocent lives that have been lost in the course of this war. As an elected official, as a citizen, as a father, as a human being, we have to mourn all of those losses. But we can't allow that pain to translate to more pain and more hate.

So let me ask Congressman Deutch if you might, from your perspective—obviously, we see antisemitism as a serious threat. Where in our society—I mean, we are talking a lot about campuses, but where are we seeing the largest rise in this sort of antisemitism, where in our society?

Mr. DEUTCH. Well, we are seeing—this gets exactly to the comments you just made, Congressman Kildee. There is a refusal to understand, to acknowledge the facts that we are dealing with at this moment, the fact that there are 120 hostages still remaining, the fact that, yes, we mourn the loss of every civilian life as human beings, of course we do that. But there is a refusal to acknowledge that the reason that those lives are at risk is because Hamas will not return the hostages and lay down its arms, that Israel is defending itself after the worst terror attack—the worst attack against the Jewish community since the Holocaust.

And where are you seeing this dramatic increase? You saw it on the streets of New York. You saw it in the streets of Washington just last weekend. You see it by those who are not protesting the policies of an Israeli Government. They are celebrating the atrocities of a terror organization. They show up wearing Hamas and Palestinian Islamic Jihad headbands. They talk about killing Zionists more—1,000 more, 10,000 more October sevens. That is where we are seeing this dangerous spike. It is why universities—why this hearing is so important. It is why universities need to be clear about what they are going to do to hold people accountable when the students come back in the fall. This is not a partisan issue, and I appreciate your saying that.

And just finally, one other way to get at this, the other piece of legislation that was referenced earlier, the Combating Antisemitism Act, is a bipartisan bill, an equal number of Democrats and Republicans on it, cosponsored by the—introduced by the co-chairs of the Bipartisan Task Force to Combat Antisemitism, and would specifically address all of this antisemitism by having an ongoing effort in the White House and at the Department of Education.

I really encourage, again, in the true spirit of bipartisanship, which is on such full display here, which is so gratifying for me in my new role running a fiercely non-partisan organization, I would encourage members to take a look at that, as well. And I thank you very much, my friend.

Mr. KILDEE. Thank you so much.

Thank you, Madam Chair. I yield back.

Ms. VAN DUYNE. Thank you very much.

Mr. KILDEE. Jason, you look different. [Laughter.]

VOICE. She looks good in the chair.

Ms. VAN DUYNE. The chair recognizes Representative Estes for five minutes.

Mr. ESTES. Well, thank you, Madam Chair, and thank you for all the witnesses for being here today.

And Congressman Deutch, thank you. Good seeing you again, coming back.

You know, the antisemitic activities that have occurred on college campuses are absolutely appalling. Our institutions of higher education should be beacons of hope in this country, where students seek reason, truth, and an education to help them with their life, and whether it is a career or personal life.

Instead, we see disruption and unruly students, faculty, administration, and, in some cases, outside provocateurs siding with a terrorist organization and chanting, Death to Israel, while forcing Jewish students to fear and hide, unable to fully benefit from the college education they are paying for.

When you think about the atrocities committed by Hamas on October 7, it is really unfathomable that anyone in the country would stand up and carry the flag of terror and hate openly onto a college campus and face no repercussions.

Unfortunately, this didn't happen overnight. While the horrendous attacks on October 7 may have brought this to the forefront, antisemitic activity has been a growing problem as foreign bad actors have been funneling money onto our non-profit colleges and universities to shape and influence these institutions to promote a distorted worldview that is downright anti-American.

Today we are seeing the effects of the millions of foreign dollars from anti-Israel and anti-American countries and organizations that have been pumped into our institutions, and it is a horrible consequence that we are viewing now. Our tax code and its treatment of college endowments shouldn't help foster these kinds of antisemitic activities that have ravaged college campuses across the country.

Mr. PIDLUZNY, you know, Ways and Means Republicans have sought to hold America's so-called elite universities accountable for permitting and promoting antisemitic behavior on our campuses while allowing Jewish students to be threatened, harassed, and assaulted. One mechanism in the committee's jurisdiction is the endowment tax, first established under the Trump tax cuts in 2017. Do you think that that structure of the endowment tax should be revised in light of the antisemitic activity on certain college campuses?

Mr. PIDLUZNY. Absolutely. The universities need new accountability structures because the existing structures have proven inadequate.

If you just look at private universities with endowments above \$100,000 per student, the value of those endowments is over a half-trillion dollars. If you look at the 12 largest private endowments, 11 of those schools are the schools that we have seen in the news. The only thing that will change the behavior of our so-called elite universities is financial penalties for tolerating this.

Mr. ESTES. You know, as you mentioned both in your prepared remarks and in just the comments just now, as well, you know, that, you know, the current endowment tax, as is set up, affects private colleges and the institutions that have an endowment value over \$500,000. And it applies to roughly 35 schools in any given

year. And as you mentioned, 11 of the 12 top universities were very prevalent in having disruptions and/or protests and attacks. Do you think it is a coincidence that there is a relationship between the amount of money that they have and their tax status?

And what is the connection, and how can we address that?

Mr. PIDLUZNY. I think the connection between the money and the grotesque antisemitism is that universities that are this wealthy can waste a lot. And administrators, they are used to giving into the radical DEI left. And as we have discussed in this hearing, the DEI that we are concerned about is the DEI that teaches students to make snap judgments based on identity characteristics.

And the only way that they can account for the success of Jews in America and the State of Israel is to turn the State of Israel into the oppressor. And that makes, of course, the— Hamas the virtuous victim, right? So I do think there is a relationship, right? The wealth allows for these institutions to waste money building up these DEI apparatuses.

Mr. ESTES. Yes. Well, you know, thank you. It is a critical conversation that we need to continue having, and to kind of seek out the root of, you might call it a plague or a disease that is affecting so many of our college campuses, and make sure that we maintain their status as good institutions for higher learning for the students that go there and the money that is spent by the students, by their parents, by taxpayers, in terms of supporting them. So I appreciate your time for this hearing.

And with that I will yield back, Madam Chairman.

Ms. VAN DUYNE. Thank you very much. The chair recognizes Representative Tenney for five minutes.

Ms. TENNEY. Thank you, Madam Chair, and thank you to this really all-star panel and all that so many of you have done on this really horrific issue.

I just—there are so many places to go, and I am not sure where to start, but I wanted to just say that in nearby Cornell University—my dad is a graduate of Cornell Law School back in the 1950s. It was certainly not like it is today. He went on to serve as a trial lawyer and a judge, one of the longest serving Supreme Court justices in New York. He would be absolutely horrified at what is happening at Cornell University.

And I want to—I just—I keep hearing—I see these protesters, as we all do as Members of Congress—and thank you also to former Congressman Deutch for being here and being a leader on this issue, as well.

You know, we are confronted with people at our doors and, you know, we need to get the truth out. And I think the truth is what, really, these universities are about. Almost every one of these colleges has Veritas somewhere in their motto, including my own university, Colgate University in upstate New York.

But my concern is how do we get this truth out? And I think I would like—first I would like to ask Ms. Dror—and congratulations, and thank you for being in the breach during this really difficult time on campuses. Tell us a little bit about what happened to you as a college student on a campus where we had a professor just days after this horrific attack—Professor Rickford actually de-

scribed the acts of Hamas as exhilarating and inspiring to Cornell students. And I watched the GoPro video that we were all allowed to see, as Members of Congress, that were on Hamas terrorists' heads and their videos, and I—it was about a 45-minute montage. I could get through about 20 minutes.

I almost—it is—I don't like bad movies or anything, but this was the worst thing I think I have ever seen in my entire life. It was horrible. And we have protesters and people coming to our office telling us that this is not true. And I want to just get your view, as a college student, and what you witnessed on the college campus.

I immediately called right after October 7 for the dismissal of Mr. Rickford. I did get a response from the president, President Pollack at the time. They did put him on leave, but I am sure he is still making money on paid leave. I know it is not his full salary.

But when I get done with you I want to ask Mr. Pidluzny about your discussion about the endowments, and the money, and the exemptions that these college campuses—so if you could tell briefly, just your experience and what is being done at Cornell to try to bring us back to the truth, and to try to keep, you know, the honesty in our college campuses.

Ms. DROR. Thank you for bringing that up. Actually, Professor Rickford will be teaching again next semester, after his paid leave is over.

But I think you alluded to something very important, and if you will indulge me I do want to tell a quick story. The foreign funding entering our universities are incredibly concerning. Cornell gets 1.8 billion—capital B, billion—dollars from Qatar, an adversary of the United States. In December I was able to have a meeting with Cornell's CFO in which I asked him, Cornell gets \$1.8 billion from Qatar. There must be strings attached, because there is no such thing as a free lunch. So what is the string attached to your money? He didn't give me a really direct answer.

But then I asked him, Mr. Cowen, what should I be telling my community right now? The Jewish community on campus is hurting. It was a month after we had received the blatant death threats. I said, "What should I tell my community?"

He said, "You should tell your community that that girl that testified in Congress, well, she is only 1 person, and we have 17,000 students." I wonder if he knew who he was talking to, because the girl he was referring to was me. And I wonder if he knew that seven months later I would say his name into the microphone, and show that that first question that Chairman Smith asked in his most recent letter to administrators of whether or not they believe antisemitism is actually present on their campus, they might say yes, but the answer is no, because in that moment he invalidated my suffering as a Jewish student and the suffering of 22 percent of his student population. There might be 17,000 students, but 22 percent of them are Jewish, and many of them are Zionists.

And so the administration does not understand the issue that is plaguing their university. It is systemic moral rot, and they cannot understand that.



Ms. TENNEY. Well, thank you for that. And I think that Professor Rickford should be removed from teaching altogether. I mean, this is part of the problem.

And then to Mr. Pidluzny, we only have a few seconds left. I agree with you. I think tax-exempt status, federal money flowing in, the endowments getting taxed at such low rates, money—you know, as they say in—money talks and BS walks. I think this is really the only way to go with these. And you can confirm that in the last few seconds we have, if the chairwoman would indulge us.

Mr. PIDLUZNY. Absolutely. I think we need to look for new accountability structures, as many of them as we can. And so, looking at the endowment tax is one of those, tax-exempt status is one of those.

But other ideas would be to start asking the question, does a university with a \$54 billion endowment, does it really need to be eligible for title 4 funding? Or can it fund its own students?

Similarly, we need to look at moving some of that title 4 funding off of traditional 2 and 4-year campuses so that students who want to spend 15 weeks studying can also access their Pell Grant. We need to change the financial incentive for these corrupt institutions.

Ms. TENNEY. I agree 100 percent. These institutions with these endowments have become about wealth, power, influence, and politics. We know that, and that is—I thank you so much to all of you. I am sorry I couldn't ask every one of you a question, but thank you so much for being here.

And thank you, Ms. Dror, especially, for what you have suffered at Cornell. Let's hope we remedy the situation with Professor Rickford.

Thank you.

Ms. VAN DUYNE. Thank you very much. I would remind members to try to keep their comments to five minutes or less.

The chair now recognizes Representative Sánchez for five minutes.

Ms. SÁNCHEZ. Thank you. I want to thank the chairman and the ranking member for providing this committee with another serious opportunity to acknowledge and confront the reality of rising hate in our nation.

And I also want to specifically thank our witnesses for being here today and sharing your perspectives, particularly Ms. Dror, for being for sharing your personal experiences.

It troubles me that across the country we are seeing a rise in reported hate crimes. Antisemitism is just one of the ways that we see groups that are targeted, but there are many other forms of hatred, as well, from anti-Asian sentiment, to Islamophobia, to anti-immigrant rhetoric. We are seeing this rise in very dangerous, in my opinion, speech that I think leads to violence. So I want to be very clear that we cannot allow hate to grow anywhere, but especially here in the United States, and especially at our nation's college campuses and universities.

Universities have an obligation under the Civil Rights Act of 1964 to provide all students a school environment that is free of discrimination. But incidences of antisemitism, as we heard today, across college campuses are still rising. Universities should be

places of knowledge, tolerance, and mutual respect, and there is simply no place for hate on college campuses across the country. We are a multi-cultural society, and we should be encouraging acceptance and tolerance for every group that is a part of the United—the fabric of the United States.

We certainly have to prioritize student safety. Universities need to provide a supportive learning environment for all students. We know that more diverse and inclusive campuses and workplaces foster safer environments for learning and growth.

To those that are here today and who have experienced antisemitism, you need to know that this committee stands with you, as does the Biden Administration, which has focused on combating antisemitism in school since releasing a related national strategy last May. The DoJ and the Department of Homeland Security have worked to strengthen coordination with local and campus law enforcement to respond to increasing incidences of hate-driven intimidation and also violence. President Biden's Department of Education has also made very clear that antisemitism, xenophobia, and racism are all prohibited under title 6 of the 1964 Civil Rights Act.

So I want to thank the Administration for standing so strongly against hate in our schools and across college campuses, because no student should have a fear of attending classes or other on-campus obligations and opportunities.

I want to begin by asking the panel about hate speech. I would like to know if any of you think that hate speech is sort of the precursor to violence, or can lead to violence. Does anybody disagree with that statement?

Mr. DAVIDAI. I completely agree.

Ms. SANCHEZ. Hate speech, if repeated often enough or increasing in intensity, can lead to violence. Does anybody disagree with that?

Mr. PIDLUZNY. I think the antidote to the hate speech is more speech, other perspectives calling it out for what it is.

Ms. SANCHEZ. But the question is, does anybody here believe that hate speech, if repeated often enough and increasing in intensity, does not lead to violence?

Okay. Just want to make sure that we have unanimity because we see rising hate speech in college campuses. And certain groups at certain times in this country have been targets of hate speech. And while it is easy to rush to the defense of your community when your community is under attack, when you hear hate speech that targets any group, we all have an obligation, I think, to stand up and, as you said, Doctor, to combat hate speech, to call it out for what it is, and to correct the record.

So it is particularly disappointing when we see leaders, whether they be academics or public servants, using hate speech like the blood of our country is being poisoned by a particular group, or like one particular group of people in this country, they all have AIDS. That is hate speech. And if you repeat the lie often enough, and increase in intensity, you are creating the perfect tinder for the catalyst of violence.

So again, I just want you to know the committee stands against antisemitism. We live in a multi-cultural society, and we have to all defend each other when that happens. I am sorry for your expe-

riences, and I am here to work with my colleagues to try to help combat that to the degree that we can, and we will look for solutions, given the recommendations that you have given us today. Thank you so much for being here.

And I yield back.

Ms. VAN DUYNE. The chair now recognizes Representative Miller for five minutes.

Mrs. MILLER. Thank you, Chairman Van Dyne and Ranking Member Schneider, and thank you all for being here today.

I am horrified by these acts of antisemitism, and I can't really comprehend it. I grew up in the city of Columbus, Ohio, within the city of Bexley, in a very large Jewish population. I went to bar mitzvahs, bat mitzvahs growing up. There was a girl in my class whose mother had a tattoo on the inside of her arm. I cannot comprehend what is happening today. It just—it is mind-blowing.

Ms. Dror, you know it is not easy to be here. You have already done this once, you are doing it again. It can be rather intimidating, but you seem like a very strong young woman, and I am proud of you, and I commend you for the bravery of standing up for yourself. And, of course, congratulations on your graduation. And I am sorry that you really didn't have the experience of enjoying your senior year, and hanging out, and looking forward to graduation.

Did you have any help from the university planning ahead of where you were going to go with your life in your senior year? Did you have any of that kind of support?

Ms. DROR. Thank you, Mrs. Miller. It is great to see you again, and thank you for your warm wishes. I will say I just graduated, and I have had a pretty busy year trying to deal with the hatred on my campus.

I have sent multiple emails to my university calling out the hate, asking for help, asking them to do something, and I have been met with generic email responses saying, "Please see the Office of Help and Care and Love and Hugs," and that absolutely will not do it for me.

I have also turned to career services for help, and I remember particularly in one meeting I was working on my resume with a staff member when she told me, "By the way, I just want you to know, people might not hire you because of your political involvement." My political involvement is standing against Jews feeling afraid to walk on their campus. If people aren't hiring me, we have a much, much, much bigger problem. That is bigotry.

Mrs. MILLER. Yes. Thank you for that answer, and it could be a lot longer than that, honestly.

Mr. Marcus, in spite of the instances of physical violence against Jewish students, universities pretty much have still held to inaction, and they are hiding behind free speech as the reasoning for their silence. Violence is not free speech. Violence is not free speech. And many colleges and universities have adopted a policy of what is now called institutional neutrality, which means that the institution won't take a public position on social or political issues unless it threatens the very mission of that school and its values.

So I don't know what to say. Since its creation, it has been adopted by a number of schools across the country. Tell me, what do you think of this policy of institutional neutrality?

Mr. MARCUS. Congresswoman Miller, when the principle of institutional neutrality first became popular, I thought it was a fine idea because too many institutions are taking the wrong sides of issues, and impairing the environment on their campus for by doing so.

On the other hand, I noticed that there are many institutions that are now adopting that principle only when they have been asked to condemn terrorist attacks against the Jewish people. Then, all of a sudden, they say, oh, well, maybe we don't want to have to take a stand, and maybe if we adopt this principle we will have some sort of cover, some sort of excuse for why we don't do it. And I would say that, in those instances, it is not really about neutrality, it is about cowardice, and should be called out as such.

Mrs. MILLER. You know, I grew up in the 1960s, and I experienced protests and the rest. Violence is against the law.

I thank you, and I yield back my time.

Chairman SMITH [presiding]. Mr. Fitzpatrick.

Mr. FITZPATRICK. Thank you, Chairman Smith, for holding this hearing.

It is deeply troubling that we are once again having a hearing to discuss the rise in antisemitism across our nation's college campuses. And since our hearing in November, we have seen repeated acts of violence, the development of illegal encampments, and a continued lack of accountability being upheld by so many "elite institutions."

The rhetoric and actions of students, largely in support of Hamas and in opposition to the ideals of democracy and freedom, have drawn the admiring attention and support of America's enemies. This includes Ali Khamenei, the Supreme Leader of Iran, the world's leading state sponsor of terrorism. Iran has long funded terror groups across the Middle East, including Hamas and including Hezbollah. And on May 29, Khamenei tweeted, "Dear university students in the United States of America, you are standing on the right side of history." This example from the world's leader of state-sponsored terrorism underscores the threat we face not only from our enemies seeking to take advantage, but even from within our own nation.

I want to start with Professor Davidai.

Can you speak to the shift you have seen within our universities to having so many outspoken students be comfortable with their alignment to an autocratic leader who is actively desiring the downfall of these very institutions that they are attending, that they are protesting at, and also wishing physical harm to Americans?

Mr. DAVIDAI. Thank you for this question. I am really happy to talk about this.

We are focused here on antisemitism and support for terrorism. But at the heart of it you can see that this is about anti-Americanism. Just a few examples. Students for Justice in Palestine, the national organization, if you go on to their website, it does not acknowledge the United States. It says that they have 200—over 200

chapters across Turtle Island. And then in parentheses it says “occupied North America, occupied United States and Canada.”

We had a professor, Hamid Dabashi, described Israel—and I quote—as an “outpost of American barbarism.” This is a professor at Columbia.

We had students celebrating the Houthis, right, the terrorist organization that executes gay men just for being gay, and who this morning shot down a merchant ship, a commercial merchant ship.

So it really is an anti-American sentiment that is, like people—smarter people have said before me, it always starts with the Jews, it never ends with the Jews. And I think the best way to see that is where do you see American flags? When the pro-Israeli groups rally, you see Israeli flags and American flags. When you see an American flag in these pro-Hamas protests, it is only when it is being burned.

Mr. FITZPATRICK. Thank you, sir. I want to quickly move now to discuss school accountability.

It has been very troubling to see the reports of faculty groups forming in the mold of Students for Justice in Palestine. And in some instances, these Faculty for Justice in Palestine groups are taking part in antisemitic efforts of their student counterparts. For example, at the University of Pennsylvania, my own backyard in Philadelphia, a chapter of SJP blocked the main entrance to an administrative building during a die-in protest, which was a violation of campus policy at that time.

I want to ask both Mr. Marcus and Ms. Dror, based on your experiences in this space, and familiarity with these campus groups, what actions do you believe school administrators should be taking to address specifically the faculty issue?

And Ms. Dror, in your experiences, have you seen instances where Cornell is not actively enforcing their stated policies?

Ms. DROR. Absolutely. I can think of at least three different instances in which faculty canceled classes. So students paying for their tuition were denied the right to their education in the name of Palestinian liberation and supporting the encampment.

The faculty also got together and published an article in Al Jazeera, Qatari-state-funded media. Our faculty—I think today, actually—published a large letter with about 250 signees that endorsed terrorism, and endorsed all the protests on our campus.

I think all faculty need to be terminated if they are promoting anti-American beliefs. Russell Rickford, the faculty member mentioned earlier, was hired after having written that he blames Israel for committing 9/11. So there need to be some serious, serious, serious reforms in the hiring processes of these faculties, as well.

Mr. FITZPATRICK. Thank you. My time has expired. So Mr. Marcus, if you could submit your answer for the record, that would be great.

Mr. MARCUS. Sure.

Mr. FITZPATRICK. Mr. Chairman, I yield back.

Chairman SMITH. Thank you.

Mr. Schneider.

Mr. SCHNEIDER. Thank you, Chairman Smith, and I want to thank the chairman and the ranking member for having this hearing today, and our witnesses for your—sharing your insights, your

patience. I know it has been a long day, but this is a critically important issue, as we have talked about throughout the day.

Since October 7, a day—the worst day for the Jewish people since the Holocaust, a day when Hamas sent thousands of fighters across the border, terrorists across the border, barbarically murdered, tortured, raped, burned dead bodies, more than 1,200 killed, 250 taken hostage. Since that horrific day we have seen a spike of antisemitism around the world in the United States. But in particular, we are talking today about what we have seen on campuses.

We have mentioned the spike. We have mentioned the fact—I think Mr. Deutch mentioned that 80 percent of Jewish students on campus have a sense of identity, of connection, of personal closeness to the Jewish state. Not surprisingly, I think the other statistic besides that is that approximately 80 percent of Jewish students report fear or reluctance or decision not to wear or display outward signs of their Judaism, whether it is wearing a kippah or a Star of David.

What I would like to do, with the chairman's permission, is introduce into the record a document, the American Jewish Committee State of Antisemitism in America, 2023 Insights and Analysis.

Chairman SMITH. Without objection.

[The information follows:]

*The State of  
Antisemitism in  
America 2023:  
Insights and  
Analysis*

**By Holly Huffnagle,  
U.S. Director for  
Combating  
Antisemitism at  
American Jewish  
Committee**

American Jewish  
Committee's *State of  
Antisemitism in  
America 2023  
Report* is unique. Not  
only is it the lone  
resource to analyze  
five years of  
consecutive data on  
the impact of  
antisemitism on  
American Jews, it was  
also in the field during



**a critical moment:  
October and  
November 2023.**

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## Introduction

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This Report shows the landscape of antisemitism in America is rapidly evolving, presenting a multifaceted challenge that demands urgent action. The findings demonstrate the unsettling reality that the majority of American Jews feel less secure in the United States, especially after the October 7 Hamas attack in Israel – the deadliest day for Jews since the Holocaust. From targeted attacks on Jewish institutions and local businesses, to the insidious spread of anti-Jewish speech online, antisemitism is causing American Jews to change their behavior out of fear. Younger generations of American Jews encounter antisemitism in unique contexts, including on college campuses, and employed Jews in the workplace are also facing distinctive challenges. Importantly, as awareness of antisemitism grows among the U.S. general public, there is a growing recognition of the imperative to combat this hate at all levels. Thankfully, 2023 was the year the U.S. published its first **NATIONAL STRATEGY TO COUNTER ANTISEMITISM**, issued by the White House last May. While questions from the U.S. National Strategy are captured in this year's Report, the data is only the starting point; actionable steps to implement the Strategy across all sectors of society are acutely needed in this moment.

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## Background of the Report

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AJC, the nonpartisan global advocacy organization for the Jewish people, first initiated a survey of American Jews focused exclusively on antisemitism in the United States in **2019**, one year after the Tree of Life synagogue massacre in Pittsburgh, and, in **2020**, began a parallel survey of the general U.S. adult population. Every year since, AJC has collected data on how antisemitism in America affects the lives and actions of Jews and compares those findings to how the American general public perceives the threat.

The **2023 SURVEY OF AMERICAN JEWS**, conducted by the independent research firm SSRS, soft-launched on October 5, 2023. Fieldwork paused following October 7 in response to the Hamas terrorist attacks in Israel. The questionnaire was adjusted to measure awareness of the attacks and the impact on feelings of safety in the U.S. The revised survey fully launched on October 17 and was in the field past mid-November. This year's results must be analyzed by knowing the broader geopolitical context in the Middle East.

However, it remains critical to see the 2023 data as part of a continuous, and seemingly worsening trend, of antisemitism in America. For the first time, AJC has established multi-year trends. This comparative analysis is especially imperative after October 7th and the heightened antisemitic attitudes and incidents over the last several months, but also over the past year.

Every month of 2023, unfortunately, had high-profile antisemitic incidents.

- In **January**, Nazi symbols illuminated public buildings in Florida;
- In **February**, shootings targeted Jews near a Los Angeles synagogue;
- In **March**, a Nazi swastika was carved into the back of a Jewish student at a Las Vegas high school;
- In **April**, a Jewish temple in Seattle was vandalized;
- In **May**, an explosive device was thrown into a heavily Jewish area in a New Jersey town;
- In **June**, neo-Nazis demonstrated in front of two synagogues in Georgia;
- In **July**, a brick with Nazi symbols and messaging was thrown through a Jewish center in Florida;
- In **August**, a vendor at an Overland Park farmers' market in Kansas offered 'Gas the Jews' discount codes;
- In **September**, an Ivy League university hosted antisemitic speakers at a writers' event in September;
- **Over the high holidays**, dozens of synagogues across America were evacuated due to bomb threats.

All these incidents, however, paled in comparison to the exponential increase of antisemitism, including physical violence, and even death, in the U.S. and around the world, in the aftermath of October 7th. Calls for violence against Jews, attacks on Jewish institutions and destruction of Jewish property, vandalization of Jewish stores, pro-Hamas rallies at universities, the desecration of Jewish symbols, attempts to stab Jewish people while yelling "Free Palestine," Nazi swastikas graffitied on Jewish teacher's desks and in school bathrooms, a surge in anti-Jewish hatred and conspiracies online and on social media, and the heads of three top universities declining to explicitly say "calling for genocide of Jews" violated their campus anti-harassment rules at a Congressional hearing, all happened in the United States during the remaining months of 2023.

The full methodology report is available [HERE](#). National representative samples of 1,528 Jewish adults and 1,223 general population adults, 18 or older, were interviewed in the fall of 2023. The **SURVEY OF AMERICAN JEWS** was conducted

online and via phone from October 5 - November 21, 2023. The 2023 **SURVEY OF U.S. ADULTS** launched on October 17, with an added question to measure awareness of the terrorist attacks. Data for this companion survey were collected from October 17 - 24, 2023, through the **SSRS OPINION PANEL**. All data are weighted to correct for known biases due to sampling and non-response.

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## The majority of American Jews feel less safe in the United States

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The vast majority of American Jews (98%) heard at least something about the Hamas terrorist attacks in Israel. Among this group, for almost 8 in 10 (78%), the attacks made them feel less safe as a Jewish person in the U.S. Those who feel at least a little less safe are far more likely than those who say they do not feel less safe to:

- see antisemitism as a very serious problem in the United States today (61% vs. 25%)
- say antisemitism has increased a lot in the past five years (55% vs. 28%)
- say the status of Jews in the U.S. is less secure than a year ago (73% vs. 33%)

One respondent, a 70-year-old Jewish woman, openly shared, ***"I AM SO STUNNED AND SHAKEN BY THIS ATTACK. I KNOW IN THE LONG RUN WE WILL BE OK, BUT UNTIL WE ARE, I AM FRIGHTENED BY A LOT OF THINGS."***

More than 6 in 10 American Jews (63%) say the status of Jews in the United States is less secure than a year ago. This number is more than a 20-percentage point increase in just one year, and a 30-percentage point increase over two years! The number one reason given this year was the current war between Israel and Hamas (28%), followed by a rise in antisemitic attacks and violence (18%) and antisemitism/racism is more overt/ accepted (17%). A 70-year-old Jewish man from the Midwest shared, ***"THE STATUS OF JEWS IN THE U.S. WANES DEPENDING UPON CURRENT EVENTS. CURRENTLY, ISRAEL IS RESPONDING TO A TERRORIST ATTACK, AND THIS BRINGS OUT ANTISEMITIC ACTIVITY IN THE U.S. AND AROUND THE WORLD."***

In addition, one in five American Jews (22%) report feeling unsafe – either very or somewhat unsafe – when attending any of the Jewish institutions with which they are affiliated because of antisemitism.

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## Caring about Israel matters

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For eight in 10 American Jews (80%), caring about Israel is important to what being Jewish means to them. For those over the age of 50, this number jumps to 91%. About two-thirds (67%) of those who say caring about Israel is very or somewhat important to what being Jewish means to them, say the status of Jews in the U.S. is less secure than a year ago, compared with 46% of those who say Israel is less important to their Jewish identity. The 2023 survey of American Jews also added an open-ended question to allow respondents to comment about the survey or the situation in Israel. One 66-year-old man shared, ***"MY MOTHER IS A HOLOCAUST SURVIVOR. MY FATHER FOUGHT IN ISRAEL'S WAR OF INDEPENDENCE. JEWS NEED A SAFE PLACE TO GO WHEN A NATION NO LONGER WANTS JEWISH PEOPLE."*** In addition, those who say caring about Israel is important, are also more likely to see antisemitism in the U.S. as a very serious problem (58% versus 32%).

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## More American Jews report changing their behavior, note the severity of the problem

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No Jewish person should feel the need to change their behavior out of fear of antisemitism, yet many are. **ALMOST HALF OF AMERICAN JEWS (46%) HAVE CHANGED THEIR BEHAVIOR** in at least one of the following ways: 26% have avoided publicly wearing or displaying things that might identify them as a Jew; 26% have avoided certain places, events, or situations out of concern for their safety

or comfort as a Jewish person; and 30% say they have avoided posting content online that would identify them as a Jew or reveal their views on Jewish issues.

The percentage of those who report changing their behavior is noticeably up compared to previous years: 39% in 2021, 38% in 2022, and 46% in 2023. According to a 62-year-old woman in the western U.S., ***“ANTISEMITIC INCIDENTS ARE RISING. I HAVE TO HIDE MY JUDAISM.”*** Critically, among American Jews who say they feel at least a little less safe in the U.S. due to the October 7 Hamas terrorist attacks in Israel, more than half (54%) say they have avoided at least one of the three behaviors asked about, compared with 17% who do not feel less safe since the attacks who say the same.

More American Jews are also noting the severity of the problem of antisemitism in the United States. Ninety-three percent of American Jews say antisemitism is a problem in the U.S. Noticeably, there has been a 10-percentage point increase in one year of American Jews who say antisemitism is a “very serious” problem in the United States: 53% in 2023 compared to 43% in 2022. Almost nine in 10 American Jews (86%) say antisemitism has increased in the past five years. While the overall percentage of American Jews who say it has increased is up slightly from previous years (86% in 2023 compared to 82% in both 2022 and 2021), the share who say it has increased a lot reveals a more dramatic spike: 50% in 2023, 43% in 2022, and 37% in 2021.

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## **Jews and Jewish institutions continue to be targeted by antisemitism, as are local businesses.**

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Several American Jews report being the personal target of antisemitism in the last year. One-quarter (25%) say they have been the personal target of antisemitism in at least one of these contexts: an antisemitic physical attack, in which the attacker physically touched them (3%)<sup>1</sup>; an antisemitic remark in person (22%), and/or antisemitic vandalism or messaging on their property (7%). For American Jews who have been personally targeted by antisemitism at least once in the past 12 months,

70% say they feel less secure than a year ago, compared with 61% who have not been targeted.

Among Jews affiliated with a Jewish institution, more report antisemitic threats to their institution in 2023 than in previous years; 41% say their Jewish institutions have been the target of antisemitism in the past five years, compared to 34% in 2022, and 32% in 2021. Nearly two-thirds of American Jews (64%) who are institutionally affiliated say security measures at their institutions have increased in the past five years. An 80-year-old Jewish woman shared, ***“OUR SYNAGOGUES HAVE HAD TO INCREASE SECURITY DUE TO THREATS FROM AROUND THE WORLD AND AT HOME.”***

Antisemitic attacks also extend beyond Jewish institutions and individuals. For the first time, AJC collected data on local businesses. One in five (19%) of American Jews report local businesses where they live have been the target of antisemitism in the past five years. Orthodox Jews are more likely than members of other denominations to say a local business where they live has been the target of antisemitism in the past five years: 33% of Orthodox Jews say this, compared with 21% of Reform Jews, 18% of Conservative Jews, and 17% of secular Jews.

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## Young American Jews experience antisemitism differently, including on campus.

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Young American Jews report experiencing more antisemitic incidents compared to older cohorts. Thirty-six percent of young American Jews, between the ages of 18 and 29, report being the personal target of antisemitism last year in at least one of the three ways asked about (compared to 22% over age 30):

- 27% were the target of an antisemitic remark in person (compared to 20% over age 30)
- 17% were the target of antisemitic vandalism or messaging on their property (compared to 5% over age 30)
- 6% were the target of an antisemitic attack in person where the attacker physically touched them (compared to 1% over age 30)

Although more young American Jews report being targeted by antisemitism than their older counterparts, young Jews are less likely than Jews over the age of 30 to see antisemitism as a very serious problem (44% versus 55%), say that it has increased a lot in the past five years (42% versus 52%), or say the status of Jews is less secure in America (55% versus 65%). One hypothesis is antisemitism is a current reality of many young Jews' adult lives, so they may be less likely to feel less secure or say that antisemitism has increased than their older counterparts because they do not know differently.

To further understand the impact of antisemitism on young Jewish adults, the survey probed their experiences on American college and university campuses. For current or recent Jewish students, including parents of current or recent college students, one in five (20%) report feeling or being excluded from a group or event because they are Jewish. This is an eight-percentage point jump from one year ago (12% in 2022). One parent of a female student shared, ***"SHE FELT FEARFUL ABOUT WALKING ON CAMPUS, ESPECIALLY BY HERSELF, BECAUSE OF THE ANTISEMITIC STATEMENTS PAINTED ON CAMPUS. SHE FEARS THAT STUDENTS WHO KNOW SHE IS JEWISH AND ARE ANTISEMITIC THEY WILL HARM HER IN SOME WAY."***

Nearly one in five (17%) also report feeling or being excluded from a group or event because of their perceived or actual connection to Israel. One 24-year-old student said, ***"[I] DON'T TALK ABOUT MY OPINIONS OF ISRAEL BECAUSE OF WHAT OTHER STUDENTS MIGHT THINK BECAUSE A LOT ARE PRO-PALESTINE. ALSO, [I] WANT TO KEEP [THE] RELATIONSHIP GOOD WITH MY PEERS."***

In addition, more than four in 10 (44%) current or recent college students say they have experienced at least one of the below items asked about:

- 25% have avoided wearing, carrying, or displaying things that would identify them as Jewish
- 24% have felt uncomfortable or unsafe at a campus event because they are Jewish
- 26% have avoided expressing views on Israel on campus or with classmates out of fear of antisemitism
- 25% have been told they could not miss class for the Jewish holidays

Removing "they could not miss class for Jewish holidays," which may or not be antisemitic, fully 38% say they have experienced at least one of the other three items: avoiding wearing, carrying, or displaying things that would identify them as Jewish; feeling uncomfortable or unsafe because they are Jewish; and/or avoiding expressing views on Israel out of fear of antisemitism. One 22-year-old female respondent observed, ***"AMERICA IS BECOMING A PLACE WHERE MANY DON'T***

**FEEL SAFE. COLLEGE CAMPUSES ARE NOW FULL OF JEW-HATRED AND OFFICIALS AREN'T DOING ANYTHING ABOUT IT."**

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## Antisemitism online and on social media remains the biggest problem

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Online and on social media continue to be the place where American Jews experience antisemitism the most. Sixty-two percent report seeing or hearing antisemitism online or on social media in the past 12 months, including 6% who say this happened once, and 56% who say it happened more than once. One 24-year-old Jewish woman lamented, **"IT IS INCREDIBLY DIFFICULT TO READ ANTISEMITIC POSTS ON SOCIAL MEDIA AND FEEL LIKE THERE IS NO RECOURSE OR SPACE FOR CONVERSATION."**

The 2023 survey again asked those who experienced antisemitism online exactly where they had experienced it. Among all Jewish adults who experienced antisemitic content online at least once in the past 12 months, 51% say they experienced antisemitism on Facebook, 47% say they experienced it on X (formerly known as Twitter), 27% on Instagram, 24% on YouTube, and 18% on TikTok. Another one in ten (11%) say they experienced antisemitism via online gaming platforms. One 33-year-old Jewish man responded, **"SOCIAL MEDIA COMPANIES [ARE] NOT DOING ENOUGH TO PREVENT THE SPREAD OF ANTISEMITIC VIEWS AND LANGUAGE."**

Online antisemitism and misinformation about Jews and Israel have offline consequences. Among American Jews who experienced antisemitism online or on social media, 22% report these incidents made them feel physically threatened.

Online or on social media is also the place where the general public sees or hears antisemitism. Four in 10 U.S. adults (39%) personally witnessed antisemitism last year, and for 68% of them, they saw it online or on social media. U.S. adults under age 30 are more likely than those 30 and older to say they saw or heard antisemitism online or on social media (83% versus 65%).

It is not unrelated that the current rise in antisemitism over the last two decades parallels the increase of social media use and the ability to spread information,



including misinformation, antisemitism, and conspiracies, at exponential rates. One respondent shared, ***“I BELIEVE THAT SOCIAL MEDIA PLATFORMS HAVE BEEN A CENTER OF GROWTH FOR THESE NEGATIVE COMMENTS THAT ARE BEING AN ECHO CHAMBER... ESPECIALLY WHEN CELEBRITIES ARE EXACERBATING THESE CLAIMS.”***

The 2023 surveys specifically asked about a celebrity amplifying antisemitism from the fall of 2022, **during which Kanye West (Ye) made a series of comments about Jewish people**. Half of U.S. adults (50%) say they heard a lot (17%) or some (33%) about West's comments. By comparison, nearly eight in ten Jewish adults (78%) report having heard a lot (40%) or some (38%) about those comments. Among U.S. adults who had heard about West's comments, nearly half (46%) of U.S. adults and American Jews recall hearing something (a lot or some) about the comments leading to real-life antisemitic incidents.

Given online and algorithmic amplification of antisemitism, this year's survey also asked American Jews about improving social media companies' responsibility to counter antisemitism on their platforms. Nine in 10 (89%) American Jews say it is important for social media companies to explicitly cover antisemitism in the platforms' terms of service and community standards. Those who say they have felt physically threatened by an online incident are far more likely than those who have not, to deem this measure very important (81% versus 56%). For American Jews who experienced antisemitism online or on social media, only 35% report the incident. The majority (65%) did not report. This may be why most American Jews (90%) say it is important for social media companies to make it easy to report antisemitism specifically.

For the first time, the 2023 survey asked American Jews about generative artificial intelligence (AI). Seventy-two percent of American Jews are concerned (very or somewhat) that generative AI or automated systems, such as ChatGPT, will spread misinformation about Jews. Sixty-two percent of American Jews expressed concern that generative AI will show bias against Israel. One 64-year-old respondent from the South commented, ***“IT IS ABSOLUTELY SICK THAT COLLEGE AND YOUNG STUDENTS ARE DENYING THAT THESE ATROCITIES HAPPENED, AND I THINK IT IS AI-GENERATED.”***

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## A newer, troubling trend: antisemitism in the workplace

As in 2022, the 2023 survey included questions to understand experiences of antisemitism at work. For Jewish adults who are employed full-time or part-time, and not self-employed, three in 10 (30%) say they have avoided or experienced at least one of these issues in the workplace this past year:

- **24% HAVE AVOIDED EXPRESSING THEIR VIEWS ON ISRAEL BECAUSE OF FEARS OF ANTISEMITISM**
- **15% HAVE AVOIDED WEARING OR DISPLAYING SOMETHING THAT WOULD IDENTIFY THEM AS JEWISH BECAUSE OF FEARS OF ANTISEMITISM**
- **13% HAVE FELT UNCOMFORTABLE OR UNSAFE BECAUSE OF THEIR JEWISH IDENTITY**
- **6% WHO REPORT BEING TOLD THEY COULD NOT TAKE TIME OFF WORK FOR THE JEWISH HOLIDAYS**

The percentage of employed Jewish adults who felt uncomfortable or unsafe because of their Jewish identity increased over the past year, from 8% in 2022 to 13% in 2023. Importantly, Jewish adults who have been a target of antisemitism in the past 12 months – regardless of whether it was in the workplace – are more likely than those who have not to have experienced any of these workplace issues (51% versus 22%). Those who have avoided certain situations due to concerns of antisemitism, regardless of whether they were work-related, are more likely than those who have not to say they have experienced at least one of these workplace issues (48% versus 16%).

Employed Jewish adults were also asked if they have ever felt or been excluded because they are Jewish or because of their assumed or actual connection to Israel. Thankfully, these numbers are quite low. Just six percent say they have ever felt or been excluded because of being Jewish, and even fewer say they have ever felt or been excluded because of their assumed or actual connection to Israel (3%).

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## U.S. adults are waking up to antisemitism in America

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One notable finding of this year's Report is how the general public's understanding of antisemitism is changing. More U.S. adults are saying antisemitism is a problem in America, and that it has increased. Almost three-quarters (74%) of the general population say antisemitism is a very serious (34%) or somewhat serious (40%) problem in the U.S. today. Two years ago, this number was 60%. And in just one year, there has been a 12-percentage point increase in U.S. adults who say antisemitism is a "very serious" problem: 34% in 2023 versus 22% in 2022. Interestingly, while Democrats are more likely than Republicans to describe antisemitism in the U.S. as a problem (79% versus 68%), the share of Democrats who say antisemitism is a problem in the U.S. is nearly identical to the 2022 results. Republicans have noticeably narrowed the gap: today, 68% of Republicans say antisemitism is a problem in the U.S., compared with 58% who said the same in 2022.

There has also been evident growth among the share of U.S. adults who say antisemitism has increased (a lot or somewhat) over the past five years. Over half of American adults now express this sentiment: 56% in 2023 versus 47% in 2022 and 44% in 2021. This year, 22% of U.S. adults said antisemitism has increased "a lot" in the past five years, compared to 16% in 2022 and 13% in 2021. Roughly six in 10 (63%) of those who have a college degree say antisemitism has increased over the past five years, compared with 49% of those with less education (i.e., some college but no degree, high school graduate, or less than high school education).

The vast majority of U.S. adults (86%) say they heard a lot (59%) or some (27%) about Hamas' terrorist attacks in Israel on October 7, and 35% said they typically closely (very or somewhat) follow news about Israel aside from news about the recent attacks. Fully two-thirds of U.S. adults who typically follow news about Israel say antisemitism has increased in the past five years, compared with 49% of those who do not typically follow news about Israel.

The general population is also seeing antisemitism. As mentioned earlier, almost four in 10 U.S. adults (39%) say they personally saw or heard antisemitism in the past 12 months, including 29% who saw it more than once. However, just 5% or fewer of this group say they report the antisemitism to the police, a Jewish organization, or somewhere else. On a positive note, when asked if they have ever spoken out against antisemitism in general, about a third (33%) of all U.S. adults said they have,

and those who personally know someone Jewish were much more likely to speak out (43%) than those who do not personally know someone Jewish (17%). About a third of U.S. adults (35%) also say they are very (13%) or somewhat likely (22%) to share with friends or family celebrities' or influencers' social media posts speaking out against antisemitism.

U.S. adults continue to possess increased knowledge of antisemitism. Seven in 10 U.S. adults (70%) say they have heard of the term antisemitism and know what it means. Thirty percent report being unfamiliar with antisemitism, either having heard the term, but unsure what it means (20%), or never heard of the term (10%)<sup>2</sup>. In 2021, 16% of U.S. adults report never hearing the term antisemitism, so there has been a modest increase in awareness. Education continues to play an important role. Among those with a college degree or more education, 86% say they know the term antisemitism, compared with 70% of those with some college education, and 53% of those who have a high school diploma or less education. Similar to the patterns in 2022 and 2021, white, non-Hispanic respondents (74%) are more likely than Black, non-Hispanic (63%), or Hispanic (53%) respondents to say they have heard of the term antisemitism and know what it means.

Most U.S. adults also demonstrated an understanding of antisemitism as more than a hatred of Jews, but also a conspiracy about **JEWISH POWER** or **CONTROL**. Three-quarters (74%) say the statement "Jews in the United States have too much power" is antisemitic, compared to 91% of American Jews. They also overwhelmingly agree that anti-Israel antisemitism constitutes another part of the problem. When asked if the statement "Israel has no right to exist," is antisemitic, 84% of U.S. adults said it is. Eighty-five percent of American Jews agree that delegitimizing Israel's existence is antisemitic. Among American Jews who say caring about Israel is at least somewhat important to their Jewish identity, that figure goes up to 93%. A 52-year-old Jewish man from the Northeast explained, **"CRITICIZING ISRAEL'S POLITICAL POLICIES (EX: TREATMENT OF NON-JEWS IN THE COUNTRY, PALESTINIANS FOR EXAMPLE) IS NOT ANTISEMITIC. SAYING THAT ISRAEL SHOULD NOT EXIST, AS A RESULT OF THESE PRACTICES, IS ANTISEMITIC."**

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## American Jews support for government responses, law enforcement sees changes

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The 2023 survey of American Jews asked how they view the responsiveness of U.S. government officials to address antisemitism. While AJC is strictly a nonpartisan organization that does not endorse or support candidates for elective office, there are evident trends. The majority of American Jews (57%) approve of the way President Biden is responding to antisemitism in the U.S. In 2022, this number was 48%— an almost 10-percentage point increase in one year. There is also a 7-percentage point increase in support for local and state governments' response to antisemitism: 47% approve in 2023 compared to 40% in 2022.

Congress continues to receive the lowest approval rating, with only 26% of American Jews saying they approve of the way Congress is responding to antisemitism. More than half (52%) disapprove, including 22% who strongly disapprove. There has also been a change in American Jews' political leanings. For the first time since AJC began collecting this data in 2019, American Jews more likely rate their political leaning as "moderate/middle of the road" over "liberal." In 2023, 30% of American Jews said they were "liberal" compared to 38% who said so in 2021. 31% of American Jews now say they are politically "moderate/middle of the road," compared to 26% who said so in 2021.

While the majority of American Jews (65%) continue to believe that law enforcement is effective in responding to the security needs of Jews, this percentage is down significantly from 2019 and 2020.<sup>3</sup> However, this year saw a noticeable increase in support for law enforcement from the Orthodox community, with 73% reporting law enforcement is effective in responding to their security needs, a jump from 65% who said so in 2022. This support remains vital as the Jewish community must depend on law enforcement as antisemitism increases. A 77-year-old Jewish woman in the South observed, ***"NOW WE HAVE THE SHERIFF'S OFFICE PATROLLING WHEN WE HAVE SERVICES OR ANY EVENT AT THE TEMPLE. LAST YEAR WE ONLY HAD PRIVATE ARMED GUARDS ONLY ON SHABBAT SERVICES."***

One of the most important discoveries related to law enforcement and reporting is that most Americans—both Jews and U.S. adults—believe it is important that law enforcement be required to report hate crimes to a federal government database.<sup>4</sup> Ninety-three percent of American Jews and 91% of U.S. adults agree it is very or somewhat important for law enforcement to have to report hate crimes to a federal government database.

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## The data reveals a path forward

Despite the grim findings, the data also points to a path forward and a note of hope. Although perceptions differ, not only is the general public more aware of antisemitism, but there is also a noticeable (and welcomed) concurrence among both Jews and U.S. adults that antisemitism is a societal problem, not solely a Jewish concern. Each group was asked which statement comes closer to their views: “Antisemitism affects society as a whole; everyone is responsible for combating it” or “Antisemitism does not affect society as a whole; Jews alone are responsible for combating it.” Most everyone—95% of American Jews and 92% of U.S. adults— says, “Antisemitism affects society as a whole; everyone is responsible for combating it.”

### SO, HOW DO WE MOVE FROM KNOWLEDGE OF RESPONSIBILITY TO ACTION?

First, we all must recognize the problem and take antisemitism seriously. The 2023 survey asked if antisemitism is taken more seriously, less seriously, or is considered to be the same as other forms of hate and bigotry, and nearly one-half of U.S. adults (47%) say the latter. However, that same percentage — 47% — of American Jews said the problem of antisemitism was taken *less* seriously. One 31-year-old Jewish woman from the Northeast shared, ***“BECAUSE THERE IS UNEVEN APPLICATION OF HATE SPEECH AND EVERYTHING, UNEVEN CONSEQUENCES ARE GIVEN, FOR SOME REASON HATE SPEECH ABOUT JEWS OR INCITEMENT OF VIOLENCE TOWARDS JEWS IS NOT DEALT WITH THE SAME SEVERITY.”***

Second, we must respond by implementing the **U.S. NATIONAL STRATEGY TO COUNTER ANTISEMITISM**, which demands a whole-of-society approach. And yet, the 2023 Report found an overall lack of knowledge about the National Strategy, published by the White House in May 2023. Just 17% of Jewish adults say they have heard a lot (2%) or some (15%) about the U.S. National Strategy to Counter Antisemitism. Eight in 10 (83%) say they have not heard much (27%) or have heard nothing at all (56%). The numbers are similar for U.S. adults. Just 12% of U.S. adults say they have heard a lot (1%) or some (10%) about the U.S. National Strategy to Counter Antisemitism, and nearly nine in ten (88%) say they have not heard much (33%) or have heard nothing at all (56%). We must educate American society about the U.S. National Strategy to Counter Antisemitism, which includes dozens of AJC’s recommendations and closely resembles **AJC’S CALL TO ACTION AGAINST ANTISEMITISM IN AMERICA**, so they are equipped to respond. AJC’s **TASK FORCE** to Implement the National Strategy is responsible for doing just that.

One key component of the National Strategy is improving education on the Holocaust, contemporary antisemitism, and Jewish studies in the U.S, as well as celebrating American Jewish heritage. State and local government support, including support from the federal government, can help ensure the below actions happen, especially since the overwhelming majority of Americans (both Jews and the general population) believe it is essential for:

- Public schools to invest more resources in teaching age-appropriate lessons about the Holocaust for all students (91% for American Jews and 85% for U.S. adults)
- Statewide studies to be conducted to assess how effectively public-school districts are teaching about the Holocaust (87% for American Jews and 81% for U.S. adults)
- State and local governments to include contemporary antisemitism in public school curricula (86% for American Jews and 75% for U.S. adults)
- State and local governments to include Jewish studies within the ethnic studies or history curricula in public schools (77% for American Jews and 72% for U.S. adults)

The National Strategy also seeks to broaden appreciation of American Jewish heritage and celebrate America's many diverse communities. Currently, there is a lack of awareness about **JEWISH AMERICAN HERITAGE MONTH**. Only 28% of U.S. adults (and 24% of American Jews) have heard at least something about this month. Jewish American Heritage Month is a time to educate all Americans about Jewish history, traditions and practice, and contributions to American society. After all, U.S. adults who know a lot or some about Judaism, are more likely to both share celebrities' or influencers' social media posts speaking out against antisemitism and say it is very important that public schools invest more resources in teaching the Holocaust, than U.S. adults who know little about Judaism.

Third and finally, we must work to prevent antisemitism by rebuilding relationships and strengthening trust between all groups. The vast majority of American Jews (94%) and U.S. adults (92%) say it is important for Jewish communities and other religious and ethnic communities to increase cooperation with each other. In fact, U.S. adults who personally know someone who is Jewish are more likely than those without a personal connection to say increased cooperation is very important (68% versus 53%). Importantly, they are also more likely to know what antisemitism means (82% versus 48%), say antisemitism is a problem in the U.S. (79% versus 64%), and say it has increased over the past five years (62% versus 44%). **THESE CROSS-COMMUNITY RELATIONSHIPS ARE IMPERATIVE.** Non-Jewish voices are needed to condemn antisemitism and work within their own communities to

address this challenge. In like manner, the Jewish community must speak out against other forms of hate targeting different communities in America.

Above all, antisemitism and hate are symptoms of a weakening society. We know the historical patterns when antisemitism typically rises: during elections and election cycles, during Jewish holidays, and when there is an uptick in violence in the Middle East, including attacks on Israel and Israelis. 2024 has all three. We must remain vigilant and call out antisemitism whenever we see it. We must not politicize antisemitism or the fight against it, but instead through bipartisan and multi-sector responses. Everyone is accountable.

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## Appendix

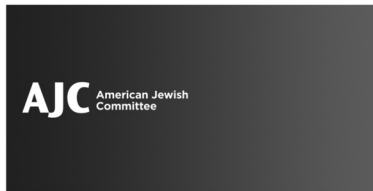
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- 1.** 3% is a weighted figure reflecting 41 American Jews who reported that they had been physically attacked over the past year, out of an overall sample of 1,528.
- 2.** AJC defined the term antisemitism in a follow-up question as “hostility or prejudice toward Jewish people.”  
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- 3.** When AJC first asked the question in 2019, 81% of American Jewish respondents said law enforcement was effective. While the mode of the survey changed between 2019 and 2023, therefore discouraging a direct comparison, one can still say the trend points to a declining confidence in law enforcement to protect the Jewish community.
- 4.** The survey defined a hate crime as “a crime of prejudice or bigotry that occurs when an offender targets someone because of one or more of their characteristics or religious beliefs” and shared with respondents that “currently, law enforcement agencies are not required to report hate crimes to the federal government’s crime reporting

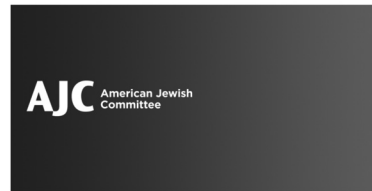


database, which tracks detailed  
information about crimes in the U.S.”

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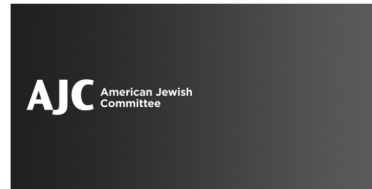
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*"Positive Step Forward:" AJC CEO Ted Deutch  
Reacts to Agreement Between University of  
Michigan and U.S. Education Dept. to Address  
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Mr. SCHNEIDER. Thank you.

Now, we talked earlier in the opening remarks. The sense was part of the reason for this rise in antisemitism was weak university leadership, the failure of universities to enforce their policies of university leaders, to make clear—morally clear statements. We have talked about the radical faculty and other things. And throughout this we have also touched—and I will add my items to the list.

But following the money, it is not just the money that is funding universities, it is the money that is funding these groups like Students for Justice in Palestine. Earlier, when I was focusing on faculty, students and—Ms. Dror, you made it through in four years, correct?

Ms. DROR. Three.

Mr. SCHNEIDER. Three? Even better.

Ms. DROR. Yes.

Mr. SCHNEIDER. But over the course of that, freshman students come in, they have to learn their way around, they pick their classes, they get involved with various organizations. Sophomore year, they start thinking about major, junior major, and graduate, and go on to pursue their careers.

But there is an imbalance, as groups like SJP have people who are in their 13th year of their 4-year Ph.D. program not having completed a single class, but they are there with a purpose and with funding behind it. I think we need to look into that.

But I also want to be careful that we don't paint with too broad of a brush. Dr. Pidluzny, you mentioned there are, I think, 70 schools where we had these protests, roughly 3,000 people who have been arrested, but there are 4,000 colleges and universities across this country. Not every university has gotten it wrong. Not every university has been affected by what we have seen on some of the campuses in the news.

We have to be careful that we don't delegitimize differences of opinion, which is what we should see on our universities, the ability to have that debate with each other. With the focus on hate and violence, hate begets violence. Violence makes our students feel unsafe and, ultimately, there will be consequences.

Mr. Deutch, I want to turn to you with the minute that is left. But you have been here in Congress. You are at American Jewish Committee, seeing the challenges being faced across the country. Can you highlight the most important things we should be doing, besides talking about it and putting a spotlight on the hate and violence we are seeing on campus?

What actions should we be taking that will have a real difference as we head to the new academic year?

Mr. DEUTCH. Thank you. Look, I think the conversation about tax-exempt status is important. I think the conversation about foreign funding is important.

I would add to that, by the way. Why not have every student group have to certify that they don't accept foreign funding, as well?

There are lots of things that are part of this bigger issue that we have to deal with. But right now, we—there is a train that is barreling down the tracks. Literally, you saw it in New York in a sub-

way car. When people are allowed to get on a subway car and say, "Where are the Zionists? Are the Zionists here? No Zionists here, this is your chance to get out," that should send a chill down everyone's spine.

What Congress can do most—and here is what I have learned since I left, here is my message to my former colleagues, and I say this with enormous respect, and not to just make you feel even better about the job you have—you have enormous power, individually, every one of you. And what can you do? You, every one of you—yes, the committee should act.

And Mr. Chairman, I am grateful to you and to the Speaker for this whole-of-the-House approach. But every one of you can play a role in your community, listening to your Jewish students, listening to the Jewish community. If you don't have a large Jewish community, you can speak out in support of the American values that are at risk when we see what is happening around the country continue to take place. That is what you can do: expect the universities to take action now in advance of this coming academic year to help protect Jewish students, protect their environment that they operate in, our university system overall, and ultimately, our democracy.

Mr. SCHNEIDER. Thank you, Mr. Chairman, for one more second.

The video from that train car was horrific, as they said, any Zionist or any Zionist here—any Jewish person in that car would have been afraid to stand up, but—

Mr. DAVIDAI. Not me.

Mr. SCHNEIDER. Let me finish.

Mr. DAVIDAI. I would have stood up.

Mr. SCHNEIDER. Let me finish, please. But no one else stood up, either. It was utter silence, and those people were able to say what they say. We have to speak out, and that is why this hearing is important. We need to stand up. We need to speak out and say, "I say proudly as a Jew, but I say as an American hate has no place in our country. We will stand up and make sure it is defeated."

I yield back.

Chairman SMITH. Mrs. Fischbach.

Mrs. FISCHBACH. Thank you, Mr. Chair, and I absolutely agree. We have to be the ones that speak out.

It is tragic that we have to have this hearing. It is absolutely tragic. It is 2024, and this should not be happening. And it is appalling. And so you can see, as I was listening to Mr. Schneider, I am getting more and more upset.

But I did want to kind of refocus. I know that Mr. Fitzpatrick talked a little bit about FJP, and SJP has been mentioned a couple of times, and so I wanted to ask Mr. Marcus.

I mean, you are obviously familiar with the group. Would you mind telling us a little bit more about the group, and maybe the role that it has been playing in this explosion of antisemitism on campuses?

Mr. MARCUS. Congresswoman Fischbach, yes. There is no one single group that is responsible for this entire problem. There are many groups involved, and then there are many wrongdoers who

are not part of groups. But SJP is involved far more than any other single individual on many, many campuses, not just in protest, but in various forms of hate, as well.

On some campuses their violation of rules or undermining of values has led to their temporary or permanent suspension or expulsion. But they are still active on a large number of universities. They are also active as law students for Justice in Palestine. And now they are also faculty for Justice in Palestine, as well.

These groups, in addition to having been found responsible for violations of university rules and for their involvement in issues that may create a hostile environment for Jewish students, the toolbook for the National SJP says, among other things, and I will quote, "We, as Palestinian students in exile, are part of this movement," meaning the resistance movement, "not merely in solidarity with this movement. We must act as part of this movement."

Now, the resistance movement is often understood to include Hamas, known also as the Islamic Resistance Movement. So when an organization of students who says that they are not merely in solidarity, but that they are part of this movement, it raises the question of how they, as an organization, are relating to a U.S. State Department-designated terrorist organization, and doing it actively on campuses around the United States.

Mrs. FISCHBACH. Thank you very much.

And Professor, maybe you want to add—and Ms. Dror, I am going to ask you, too—if the response and the evidence we have seen, how did the universities respond, did they take sufficient or proper response to those organizations?

Mr. DAVIDAI. I can speak about a lot of universities, but the best one that I can is my own, Columbia. Nothing. They have written beautiful emails. It took the president of the university six months minus two days to acknowledge that Hamas exists.

So I have been asking, I have been pleading for them to condemn Hamas. They wouldn't even use the word "Hamas" in any official email until April 5, and that was because she was subpoenaed to testify in front of Congress. So if it takes the president of a "elite"—not elite, but expensive—university to even acknowledge that Hamas is responsible for this, then I am not surprised, and you shouldn't be surprised that she and her administration have done absolutely nothing.

Mrs. FISCHBACH. Thank you.

Ms. DROR. I think something worth noting is the double standard. All other groups are subject to policy enforcement, and Students for Justice in Palestine and hate groups on my campus are not. Fraternity brothers most recently received firm disciplinary action for drinking beer in a backyard with a permit. The Students for Justice in Palestine group had an unauthorized encampment, ruined our entire quad, the entire lawn needed to be redone, and did not receive any actual enforcement on that. In fact, they received complete immunity, and a thank you letter from our university.

Mrs. FISCHBACH. Well, and I just want to say thank you all for being here, and thank you for standing up, because you are doing something courageous by being here, too. And I appreciate it. And I, for one, I will say I will stand with you because it is appalling

that we are dealing with this in 2024. And I thank you for being here.

And with that I yield back.

Chairman SMITH. Thank you very much.

I want to submit to the record, actually, an article that was just brought to my attention at Columbia University. The title is, "Columbia Administrators Fire Off Hostile and Dismissive Text Messages, Vomit Emojis During Alumni Reunion Panel on Jewish Life." The administrators that are listed in this include the dean of Columbia College, the vice dean and chief administrator officer of Columbia College, the dean of undergraduate student life, and the associate dean for student and family support.

Without objection, I submit it to the record.

[The information follows:]

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Columbia Administrators Fire Off Hostile and Dismissive Text Messages, Vomit Emojis During Alumni Reunion Panel on Jewish Life

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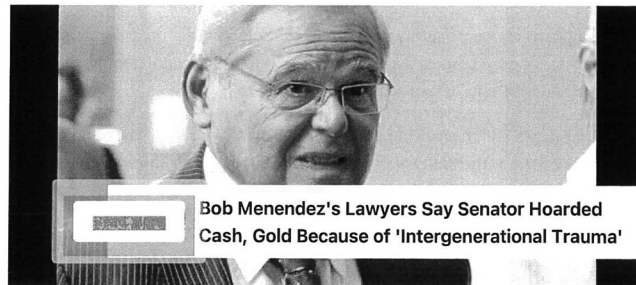
## Columbia Administrators Fire Off Hostile and Dismissive Text Messages, Vomit Emojis During Alumni Reunion Panel on Jewish Life

Photos of text messages sent during panel captured by attendee provide a glimpse into administration's attitude toward the plight of Jewish students on campus

Eliana Johnson and Aaron Sibarium  
June 12, 2024

On Friday, May 31, alumni descended on Columbia University's Manhattan campus to celebrate their class reunions. In addition to eating and drinking, the festivities included several panel discussions featuring professors and administrators.

FreeBeacon



One, focused on Jewish life on campus, was particularly newsworthy. Student protesters who had broken into and occupied a university building during the academic year had reconstituted themselves to disrupt reunion festivities, and, as the protesters were preparing to erect a new encampment, the university held a panel discussion about the past, present, and future of Jewish life at Columbia.

<https://freebeacon.com/campus/columbia-administrators-fire-off-hostile-and-dismissive-text-messages-vomit-emojis-during-alumni-reunion-panel-on-jewish-life/>

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Columbia Administrators Fire Off Hostile and Dismissive Text Messages, Vomit Emojis During Alumni Reunion Panel on Jewish Life

The event featured the former dean of Columbia Law School, David Schizer, who co-chaired the university's task force on anti-Semitism; the executive director of Columbia's Kraft Center for Jewish Life, Brian Cohen; the school's dean of religious life, Ian Rottenberg; and a rising Columbia junior, Rebecca Massel, who covered the campus protests for the student newspaper.

In the audience, according to two attendees, were several top members of the Columbia administration. Given the sensitivity of the subject—the eruption of anti-Semitism on campus in the wake of Hamas's Oct. 7 terrorist attack on Israel put a national spotlight on the school, and Columbia recently settled a lawsuit with a Jewish student who accused the school of fostering an unsafe learning environment—the administrators' presence made sense.

The administrators included Josef Sorett, the dean of Columbia College; Susan Chang-Kim, the vice dean and chief administrative officer of Columbia College; Cristen Kromm, the dean of undergraduate student life; and Matthew Patashnick, the associate dean for student and family support.

Throughout the panel, which unfolded over nearly two hours, Chang-Kim was on her phone texting her colleagues about the proceedings—and they were replying to her in turn. As the panelists offered frank appraisals of the climate Jewish students have faced, Columbia's top officials responded with mockery and vitriol, dismissing claims of anti-Semitism and suggesting, in Patashnick's words, that Jewish figures on campus were exploiting the moment for "fundraising potential."

"This is difficult to listen to," Chang-Kim, who is Jewish, kept replying to her colleagues about her perspective. "This is difficult to listen to," Chang-Kim, who is Jewish, kept replying to her colleagues about her perspective. "This is difficult to listen to," Chang-Kim, who is Jewish, kept replying to her colleagues about her perspective.

The text messages, which were captured by an audience member sitting behind Chang-Kim who photographed the vice dean tapping away on her phone, also used vomit emojis to describe an op-ed about anti-Semitism by Columbia's campus rabbi.

Chang-Kim's messages and those of her colleagues are clearly visible in the photographs. The *Free Beacon* verified the authenticity of the photographs with the person who took them.

The text messages betray an attitude of ignorance and indifference toward the concerns of Jewish students on a campus where protesters have called to "burn Tel Aviv to the ground" and said that "Zionists don't deserve to live." The exchanges also raise questions about Columbia's ability to combat anti-Semitism if its top administrators not only dismiss the problem but also sneer at those who speak out about it.

Sorett, Chang-Kim, Kromm, and Patashnick did not respond to requests for comment. An auto-response from Schizer's email indicated he was offline for a Jewish holiday. The other panelists, Massel, Cohen, and Rottenberg, did not respond to a request for comment.

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Columbia Administrators Fire Off Hostile and Dismissive Text Messages, Vomit Emojis During Alumni Reunion Panel on Jewish Life

A spokesman for Columbia said the school is "committed to combatting antisemitism and taking sustained, concrete action to ensure Columbia is a campus where Jewish students and everyone in our community feels safe, valued, and able to thrive."

The administrators expressed skepticism that Jewish students had experienced targeting or discrimination. As Massel, who published a news report in the *Columbia Spectator* about Jewish students who felt "ostracized," was asked to dilate on "the experience of Jewish and Israeli students on campus," Chang-Kim fired off a text to Kromm and Patashnick: "Did we really have students being kicked out of clubs for being Jewish?" Text from Chang-Kim to Patashnick and Kromm

The messages are not time-stamped, so it is not always clear to what comments from the panel the participants are referring. In other cases, though, their references are easy to understand.

At one point, Kromm used a pair of vomit emojis to refer to an op-ed penned by Columbia's campus rabbi, Yonah Hain, in October 2023. Titled "Sounding the alarm," the op-ed, published in the *Spectator*, expressed concern about the "normalization of Hamas" that Hain saw on campus.

"Debates about Zionism, one state or two states, occupation, and Israeli military and government policy are all welcome conversations on campus," the rabbi wrote. "What's not up for debate is that massacring Jews is unequivocally wrong."

As the panelists described the grim state of affairs for Jewish students on campus—one alumna broke down in tears describing her daughter's experience as a Columbia sophomore—Kromm made a derisive reference to Hain's column. "And we thought Yonah sounded the alarm," she wrote to Chang-Kim and Patashnick. op-ed about anti-Semitism.

Patashnick, the associate dean for student and family support, also chimed in to say that one of the panelists—it is not clear to whom he was referring—is capitalizing on the crisis at hand to raise money.

"He knows exactly what he's doing and how to take full advantage of this moment," Patashnick wrote to Chang-Kim and Kromm. "It's a fundraising potential." Chang-Kim responded, "Duh, Urgh." panelists is trying to "take full advantage" of the moment's "fundraising potential."

Schizer, who joined Columbia University president Minouche Shafik and members of the school's board of trustees in testifying before Congress in April, spoke both to Jewish students' feelings of exclusion and to the administration's failure to enforce its own rules over the course of the academic year as his colleagues texted in the background.

"To me, the very worst thing, which hasn't gotten nearly enough attention ... is the idea that you could be an undergraduate who is interested in dance, who wants to be in an LGBTQ-plus affinity group, who wants to play a sport," Schizer said, "and all of a sudden you find out that

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actually, because you're a Zionist and you're proud of your ties with Israel, that you're either explicitly kicked out or you're just not welcome. And to my mind, that is utterly unacceptable."

Massel added that Israeli students had "experienced anti-Israel sentiments their entire time at Columbia," which "exponentially grew" after Oct. 7, leading them to leave campus for weeks.

Schizer, who served as co-chair of the university's anti-Semitism task force, spoke bluntly about some of the university's failures when it came to disciplining participants in unauthorized protests.

"We had some protests in the lobbies of academic buildings, and to me, that is just utterly unacceptable because this is a teaching university," he said. "And you're absolutely entitled to express your view, it's just you can't do it in a way that prevents people who are, frankly, paying a lot of money for these classes not to be able to hear what their professors are saying."

"The university has to enforce its rules," Schizer continued, but was "incredibly ineffective in enforcing its rules in the first few weeks. And I think that the fact that the university failed to enforce rules created the problem later."

Among the comments, Chang-Kim offered to Kong and Patashnick, "This panel is a really great on making the administration look like jokers." Patashnick replied, "Yep."

**Published under:** Anti-Semitism , Columbia University , Jewish Community , Professors , Protests

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Mr. DAVIDAI. Mr. Chair, may I comment on that article for one——

Chairman SMITH. Yes, please.

Mr. DAVIDAI. One thing to note in that article is not just their ridiculing of everything that is going on, but the fact that, as a panel of Jewish individuals were speaking about the problems of antisemitism, these administrators used an antisemitic trope saying that this Jewish person is using this moment for fundraising. So it is not just cowardice, it is callousness.

Chairman SMITH. It is terrible.

Mr. Moore.

Mr. MOORE of Utah. Thank you, Chairman. Thank you to all of our witnesses for being here.

Much of what I have prepared and want to say has largely been said, so there will be some repetition in what I communicate in my few minutes here, and I am going to pose one question to all of you and, to the extent we have time, I am open to hear from any of you about what can we do to change this trajectory right now?

I have talked to folks, particularly someone that went to a university that would have been tied up into this, into what I view as just complete lawlessness and nonsense that went on to our campuses, and she was telling me the story about, like, you know, We actually had a case study. We talked about this region. We understood the plight of both the Jewish state, as well as the Palestinian state, and the and the Palestinians. And I have actually been to Ramallah. I have met with folks that run the banking system there, and individuals, and Palestinians, and the difficulties they have for what their future looks like. I mean, and she is like, "We went through a case study. It was one of the most enlightening things that I experienced." That is what our college campuses should be doing.

What we saw recently with these encampments and the lawlessness that takes place is the exact opposite of what we need to experience on our college campuses. So my question to you all is, what can we do to actually, you know, change the trajectory of the way our universities are going when difficult things come up?

There has been probably very, very few things that have been as emotional for me in my time in Congress than to be—and I am not saying—we are nowhere near close to it, but seeing what took place on October 7 is probably one of the most emotional things that has happened that I have—to me. There was a father of four, he jumped on a grenade to save his boys. I have four boys about that same age. I didn't know something could happen so far away, even though I have been to those kibbutzes where it took place.

And then to see—to know this was ultimately the plan, this was Iran's plan all along. They want the public sentiment to change on Israel, and they want what is going on to actually happen. I wish students could understand the big picture. And how do we get back to being able to communicate it?

I will mention one thing, and especially now that my colleague, Mr. Schneider, is here. I have never been—as emotional as that was, I have never been more proud of any work that we have done that, in the aftermath of that, Mr. Schneider and my colleague, Mr. Panetta, and I have led numerous efforts to make sure that we

support and find ways—for the conflict that is going to be going on in Gaza, to find ways out, and to help the humanitarian effort, hosting the State Department. The three of us have done yeomen's work on figuring this out.

And so we are all trying to deal with it. It is a difficult situation. It is tragic. Let me pose that question. Mr. Marcus, I would love to start with you. Just like, what can we do? Do university presidents have to really crack down, or what can we be doing to improve the way we communicate our dialogue and be able to get our dialogue out there, so people actually learn, instead of there being just chaos?

Mr. MARCUS. Congressman Moore, over this summer, the best of our college administrators are working around the clock to tighten up their policies on conduct, protest, and the like, while the worst of our administrators are ignoring this and allowing things to worsen. Frankly, they will all likely fail if they only look at policies and don't look more deeply at what is leading to this cultural problem.

Why is it that universities that should be a source of light and tolerance have become the opposite? That is systemic, and it goes beyond policies and to how they build their faculty, their curriculum, their student body, et cetera.

Mr. MOORE of Utah. Doctor, I would welcome you.

Mr. PIDLUZNY. So on this particular issue I think we have to acknowledge that there has been a concerted effort to change the way Israel is taught about and how the region is taught about, going back to the 1970s. The reason for those gifts was to change the way elite universities teach about the region. "The New York Times," if you read "The New York Times" from the 1970s and the 1980s, there are a lot of stories about alarm, about the money coming in.

And so I think the money needs to be shut off, and I think we need to bring viewpoint diversity to our public affairs disciplines.

Mr. MOORE of Utah. Excellent.

Professor.

Mr. DAVIDAI. Five things that I think every university should do.

One, permanently ban every pro-terrorist student organization. Suspensions are a slap on the wrist that does nothing.

Two, expel the leaders. They know who the leaders of these organizations are. Most of the students protesting are good people, but the leaders need to be held accountable.

Three, every one of these organizations has a faculty advisor. Those faculty advisors should be sanctioned and may be fired.

Four, every faculty that supports terrorism, that openly celebrates Hamas, Islamic Jihad, should not be allowed to interact with undergraduates, graduates, any student. They can still have their job, but they are not allowed to be with any students.

And five, every university should adopt the IHRA definition of antisemitism. If it is good enough for the U.S. Congress, if it is good enough for the President of the United States, it should be good enough for the president of Colombia.

Mr. MOORE of Utah. Thank you, all.

Thank you, Chairman, I yield back.

Chairman SMITH. Thank you.

Mr. Panetta.

Mr. PANETTA. Thank you, Mr. Chairman, and thanks to all the witnesses.

And of course, Mr. Deutch, it is always good to see you. As I told you prior to your leaving, you are one of those members that we miss. So thank you for being here today in this capacity, especially.

I think we can all agree that all students deserve a safe place to learn, free from hate speech and discrimination. And I think we understand that free speech and protest, though, are part of university life. However, when protests turn violent, demonstrators break the law, and our debates devolve into hate speech, actions need to be taken.

What I think is an issue, though, is that when it comes to policies to govern protests and speech on campuses, there are just different standards and difficult standards to meet. When it comes to the First Amendment, there are different policies for public universities which are bound by the First Amendment, and private universities, which are not.

Two, also we know that, to receive Federal funds, colleges must adhere to the Civil Rights Act, but that bar to prove discrimination in court is very high.

And another issue is that universities have enforced their rules unevenly, as many of you have discussed today. We have seen college administrators curtail speech in certain areas to accommodate students, even for some microaggressions. Yet the same administrators appear unmoved by the distress of Jewish students. Ensure all colleges have limits on time, place, and manner of protest so students can attend class, but they are implemented differently.

We know that there are examples of universities getting this right by addressing antisemitic actions, while shutting down protests that endanger the campus community. I saw that in my district at a local university, and it was even written about by a student who wanted to get to class, and appreciated the university's actions to clear the protest.

Now, unfortunately, though, some of these positive examples are overshadowed by the missteps of others. When university administrators have taken action against demonstrations they have been accused for going too far, as well. Moreover, heavy-handed policing can galvanize protesters and prove counterproductive. Despite that, though, we should ensure that the positive examples are followed, and that we have mechanisms in place to support Jewish students and address and prevent antisemitic incidents on campus.

Look, we can agree that colleges should protect the rights of students to raise their hands in class, in which they can make claims about the Jewish state or even express misguided support for a terrorist organization, because the airing of bad ideas is an important part not just of college life, but of American life. But letting protesters yell, "Intifada," and intimidating Jewish students trying to get to class is not consistent with free speech, nor is there a free speech right to occupy parts of a university.

And yes, we support freedom of assembly as part of the First Amendment, but that does not mean that protesters have a right to assemble anywhere if it means that it prevents other people

from using public spaces. And, of course, damaging property and defacing statues is a crime, whether you are on campus or in a public park. So if there are lawbreakers that are practicing civil disobedience, they need to do it in a way, as Martin Luther King, Jr. said: "Do it openly, do it lovingly, but do it with the willingness to accept the penalty."

Now, look, all of you have expressed disappointment in your testimony about the responses from colleges on this issue. We can condemn antisemitic speech from students. However, it is ultimately up to the university leaders to protect students on campus.

Now, Mr. Deutch, you talked with my colleague's questions about what Congress can do. What should universities be doing to address some of these issues that I talked about so that we can prepare for the coming school year to ensure that basically, yes, we protect free speech, but we also crack down on hate speech?

Mr. DEUTCH. Well in order—first of all, it is good to see you, Congressman, and thank you for your very thoughtful comments.

It starts with acknowledging that universities have the primary responsibility here, that as they are looking ahead to the fall, they are taking action like we have seen at other universities where, number one, they are speaking out with moral clarity about what is and isn't acceptable; about, as Professor Davidai points out, there can be no tolerance for the support of terrorism on campus.

This has been a really interesting conversation. In real life on college campuses, there are students who are actively speaking out in support of the terrorists who committed the 10/7 atrocity. They should be speaking with more clarity. They should be making sure that the code of student conduct on every—on their campus has been updated to reflect the moment.

It should be clear what the repercussions are if it is violated. They should make every student acknowledge what those repercussions are—we have heard this earlier—so that it is clear what will happen, and then they need to actually follow through if the code of student conduct is violated.

Those are all important steps that they should be putting in place right now, before a single student comes back to campus, to set a tone for what is and isn't acceptable to create the kind of university community that every university president claims that they want.

Mr. PANETTA. Thank you.

Mr. Chairman, I yield back.

Chairman SMITH. Ms. Van Duyne.

Ms. VAN DUYNE. Thank you very much, Mr. Chairman. I request a unanimous consent to insert for the record a campus-wide email that Cornell President Martha Pollack sent on May 14, 2024.

Chairman Smith. Without objection.

[The information follows:]

## Encampment Update

*May 14, 2024*

Dear Cornellians,

Last evening, the Coalition for Mutual Liberation (CML) voluntarily took down their encampment on the Arts Quad. While I do not condone the encampment, which was in clear violation of university policies, I want to acknowledge and express gratitude that in contrast to what has taken place at some other universities, the participants here remained peaceful and nonviolent throughout, and for the most part they tried to minimize the disruption caused. With this in mind, and provided no further violations of university policy occur, we are able to pause on issuing additional suspensions and disciplinary referrals. We will also promptly and carefully review all existing cases in accordance with our procedures for resolution and adjudication. Should there be repeat or new violations, additional sanctions will be issued, though I am very hopeful this will not be necessary.

As I have been listening to the concerns and issues raised by students across our campus over the past seven months, I have found it interesting that some themes are common across



individuals and groups with different perspectives. One is a strong desire for the university to provide more education around the history and politics that have led to the current crisis. This is something the students in CML have brought up, and it directly aligns with requests that have been made by other students and student groups. I fully agree that as an educational institution we can and should do more to foster an educational environment that critically examines global challenges that elicit great passion and debate. We look forward to continued dialogue about how we advance these and other shared aspirations.

I want also to take this opportunity to again address the ways in which we communicate with one another on this campus. Cornell is fiercely committed to free expression, and as such we do not punish speech, unless it rises to the level of threats or unlawful harassment. But as we have said before, if we want to function effectively as a community of learning that develops solutions rather than simply fosters division, it is imperative that we think about the impacts of what we say to one another. The participants in the encampment shared that members of our Jewish community who have criticized Israel have been targeted with the slur “kapo,” which not only is deeply offensive, but also trivializes the memory of the Holocaust. Other students involved in the encampment shared experiences of being called “terrorists” over the past few months in an expression of anti-Arab discrimination and hatred. No matter one’s political beliefs, using such rhetoric.

which questions the basis of someone's religious, cultural, ancestral, or any form of identity is unacceptable, and I implore everyone in our community to think carefully about their words.

All of us, I believe, feel deep anguish over the tragedy of the past seven months. My sincere hope for our campus is that in light of this, we offer an added measure of kindness to one another, and that we focus on looking for ways to work together to do what we do best as a university, which is to debate ideas respectfully, listen and learn from one another, and seek thoughtful solutions to the problems that have so long plagued our world.

Sincerely,

Martha E. Pollack  
President

Ms. VAN DUYNE. Thank you, and I would like to read a short excerpt from it.

“Dear Cornellians, last evening the Coalition for Mutual Liberation voluntarily took down their encampment on the Arts Quad. While I do not condone the encampment, which was in clear violation of university policies, I want to acknowledge and express gratitude that, in contrast to what has taken place at some other universities, that participants here remained a peaceful and non-violent throughout, and, for the most part, they tried to minimize the disruption caused. With this in mind, and provided no further violations of university policy occur, we are able to pause on issuing additional suspensions and disciplinary referrals. The participants in the encampment shared that members of our Jewish community who have criticized Israel have been targeted with slurs, which not only is deeply offensive, but also trivializes the memory of the Holocaust. Other students involved in the encampment shared experiences of being called terrorists over the past few months in an expression of anti-Arab discrimination and hatred. No matter one’s political beliefs, using such rhetoric, which questions the basis of someone’s religious, cultural, ancestral, or any form of identity is unacceptable, and I implore everyone in our community to think carefully about their words.”

It is disappointing that, after the chaos and the distress that were caused by mobs of students who set up illegal encampments that raged with antisemitism across the country—and Ms. Dror, you described this as anything but peaceful and non-disruptive—but it is disappointing that one of President Martha Pollack’s last acts as the president of Cornell University is to express concern that a single student in the encampment says that they were called a slur after Jewish students on Cornell’s campus feared for their lives after numerous death threats and harassment that raged for months without end.

Ms. Dror, I want to thank you again for taking the time to testify before this committee. Can you please share with us how you felt when you received this email?

And how did you feel when you read that the president of your university said that the encampment participants here remained peaceful and non-violent?

Ms. DROR. Congresswoman, it is great to see you, and I really appreciate this question, because this email was actually the moment I decided not to attend my graduation.

This is laughable. I have spent the past eight months being called a Nazi because I believe in the existence of the State of Israel. And for her to protect students falsely mischaracterizing Israel defending itself as a genocide in the name of trivializing the Holocaust is laughable and shameful.

I also want to bring up a point that you mentioned in that email. She said, “A Jewish student that criticized Israel.” No, these students called for the complete elimination of the Jewish State, and every single Jew inside of it. They are calling for a Jewish genocide.

Also she mentioned that these students have been referred to on campus as terrorists. These students are openly supporting the PFLP, Hamas, and Hezbollah. They are also regularly terrorizing

Jewish students on campus by threatening them and intimidating them.

It is no surprise that Martha Pollack protects the students behind the encampment when \$1.8 billion are funneled into Cornell by United States" adversaries.

Ms. VAN DUYNE. I appreciate your comments.

We have had a lot of discussion now about some of the lack of actions that were taken against not just the students, but of the faculty. And you mentioned specifically Professor Russell Rickford. I understand that he was on paid leave. I also understand that he is coming back to campus to teach next semester. Your comments on how to handle that is quite clear.

And I think, as a committee, looking at universities and whether or not they are teaching anti-American hate, where they are teaching things that are specifically aimed at creating distrust, division, violent outbursts that are being promoted by their own professors, their own administration, I think that is something that we have to take seriously—whether or not that is on campus or off campus, if they are putting out stories, if they are putting out articles—yes, while that may not have been written on campus, it does say a lot, and it does reflect a lot on the university and whether or not these universities are actually upholding a pro-America position. And yet they are getting taxpayer-funded dollars, and they are also getting tax-exempt status.

And I know that this is something that the chairman takes seriously, has spent a lot of time looking into, and that, as a committee, we are going to continue to look into. So again, thank you very much.

And I yield back my time.

Ms. DROR. Thank you.

Chairman SMITH. Mr. Feenstra.

Mr. FEENSTRA. Thank you, Mr. Chair.

I want to congratulate you, Ms. Dror, on graduating. I had three kids that graduated this year. So it is awesome, it is awesome, and I wish you the best as you move forward in your life.

I was on the faculty at Dordt University, one of my local universities near my hometown. And being on the faculty meant that I was responsible for the students there, that I was responsible for their safety. I was responsible for what they learned. And we could debate, we could argue. But at the end of the day, it was we do it in a safe environment. And that is what is so disappointing about this, is that we have a failure by tax-exempt universities to provide and enforce discipline on students that are found to violate the basic rules of their institution. So as a committee, as the Committee on Ways and Means, we must look at our responsibility, right?

We can always talk about the universities. I get it. Universities have a tremendous amount of responsibility. Their board of trustees got to do things. We just talked all about that. But we have the obligation to decide whether an organization is tax-exempt or not. Bottom line, that is our job.

And when you start looking at Title VI of the Civil Rights Act, okay, Title VI of the Civil Rights Act, if a complaint is investigated—and we can talk about this shortly, Mr. Marcus, because

I want to know about this—but if a violation is made, to me there has got to be a solution that it never happens again. And the solution, to me, is losing your tax-exempt status.

I mean, frankly, this happens in business. In business, if you violate a certain status or if you are tax-exempt, you are a non-profit, right, you get your tax-exempt pulled away. That is the same thing that should happen here. So I want to ask each one of you.

Ms. Dror, what do you think about this? I mean, do you think the federal government should act in this purpose? Because, to me, if you pull away their tax-exempt status, things change very quickly. Trust me, they will change. What do you think about that?

Ms. DROR. Absolutely. And as I mentioned before, Chairman Smith's investigation into these universities have finally gotten them to act. That is the only thing that is pushing them to act.

Mr. FEENSTRA. Yes, yes.

Professor, what do you think?

Mr. DAVIDAI. I completely agree with your assessment. The only thing that I would say is there is no difference between college campuses and the House committee because they are training your future colleagues. So if you don't act now, your future colleagues will not let you act when they get to Congress.

Mr. FEENSTRA. Well said. I 100 percent agree.

Doctor.

Mr. PIDLUZNY. So the Department of Education should issue findings that these universities are not doing anything to ensure that Jewish students have access to the education that title 6 guarantees them. And at that point, if—it should make real demands, right? It should say audit your your foreign gifts, audit your academic programs for anti-Israel bias, enforce your policies. Take a hard look at how you are socializing international students to the norms and expectations of the campus.

And if the universities do not comply with those expectations, then it is time to begin an administrative proceeding to end their access to title 4 aid. I also think it is time to start talking very seriously about raising endowment taxes and about ending the tax-exempt status.

Mr. FEENSTRA. And you sit on the OCR, you have.

Mr. MARCUS. Yes.

Mr. FEENSTRA. So I would love to hear what you have to say on this.

Mr. MARCUS. So Congressman Feenstra, it is rare that a university is adjudicated liable for violations——

Mr. FEENSTRA. Now, why is that?

Mr. MARCUS. It is difficult and expensive to get to that point.

It is also rare that OCR has formal findings of a violation against a university. If universities knew that a formal finding or adjudication under title 6 could jeopardize their tax funds, you would see them respond much more forcefully to credible allegations.

Mr. FEENSTRA. Yes, thank you.

Finally, the——

Mr. DEUTCH. Thank you, Congressman. Look, I want to just use this as an opportunity to thank you and urge the committee to keep at this in a bipartisan way. This is not a partisan issue.

Mr. FEENSTRA. No.

Mr. DEUTCH. You are—we should be looking at every possible way to get universities to ensure that they are living up to their own ideals. And if this is a way to start that conversation and get them there——

Mr. FEENSTRA. Yes.

Mr. DEUTCH [continuing]. Then we ought to be having that conversation.

Mr. FEENSTRA. You know what? When you affect the pocket-book, it makes a difference. Then people respond. And it is a tragedy that that is what it takes, but it is. And these boards of trustees, the only way they are going to learn is you take away their tax-exempt status. And it starts with Title VI in the Civil Rights Act. And it starts with using the Office of Civil Rights to start fining these schools and what they are doing, and go after them.

So thank you for—each one of you, for being witnesses.

Thank you, I yield back.

Chairman SMITH. Thank you.

Mr. Beyer.

Mr. BEYER. Mr. Chairman, thank you, and thank you all for hanging in for more than three hours for this as we come and go. I am very concerned about it. I think all of us here in a bipartisan way are concerned about it.

I am—I was disappointed that not a single Republican joined Senator—Congressman Casten's appropriations letter to ensure that the Department of Education's Office of Civil Rights had the funding it needed to pursue actual antisemitic crimes on college campuses.

You know, we have been working on this in Congress for a long time. The current rise in hate crimes are deeply disappointing. According to the most recent hate crime statistical data from the FBI, race-based crimes reached the highest level ever recorded in 2021 and 2022. But—and antisemitic hate crimes rose a whopping 36 percent from 2021 to 2022.

One of the key things we know about hate crimes is that they are also dramatically, drastically underreported, so that we know that, even from this limited data, we are not getting the full picture.

Mr. Olson, Mr. Upton, Mr. Buchanan, all three Republicans, and I partnered with Judy Chu to successfully pass the Jabara-Heyer NO HATE Act, and that was to better support law enforcement to report and respond to hate crimes and set up state hate crime hotlines so that people who didn't feel comfortable going to the police station could call them in. And while that bill is meaningful, we are very proud of it, it got signed into law, and yet the reporting of the incidents has gotten worse. It has not improved at all. And at a time when reporting has gotten worse, FBI Director Wray was here in the fall to tell us that crimes towards Jews are reaching historic levels.

I introduced a bill recently with Don Bacon, a Republican from Nebraska, the Improving Reporting to Prevent Hate Act, and I would love to have all my Republicans join me on this. It set up a process where DoJ evaluates jurisdictions with over 100,000 citizens to make certain that they are credibly reporting hate crimes. The goal is to ensure that we have a better handle on where these

antisemitic incidents are occurring, how we can better track and address and prevent them.

And Honorable Mr. Deutch, welcome back. Can you speak about how a bill like this would be an asset in addressing the antisemitic crimes?

Mr. DEUTCH. There is, as we have talked about over the course of this hearing, it is important for us to be able to really tackle antisemitism, for us to follow through and hold people accountable and hold universities accountable. We need more funding for the Office of Civil Rights so that they could do it.

Likewise, the problem—the reason that the Jabara-Heyer NO HATE Act was so important—and I applaud your leadership on that, Mr. Beyer—is because we want to be able to be sure that we are identifying the hate crimes, particularly as we see this spike in antisemitism, and especially when we know that antisemitic hate crimes are often underreported. And the way to do that is to ensure that there is adequate funding to help get us there.

So I applaud your efforts continuing to focus on that. I think it is an important way for us to move forward.

Mr. BEYER. Okay, great. Thank you very much.

Mr. Chair at this late hour I yield back.

Chairman SMITH. In Missouri this is still very early.

Ms. Malliotakis.

Ms. MALLIOTAKIS. Well, thank you, Mr. Chairman.

We all believe it is unfortunate that we need to be here, and nobody thought in 2024 we would be dealing with this immense spike in antisemitism in our country. But it is so critical that we are here together, as Republicans and Democrats, trying to find the best solutions to stop this.

I would like to thank our witnesses for being here. Certainly, Ms. Talia Dror, thank you. You are a student in New York state. I represent New York state, so I want to thank you for being here not only once, but twice, because that takes a tremendous amount of courage for you to come here. And I congratulate you on your graduation. And I am sorry that you had to miss the ceremony.

Since the horrific attacks on October 7 of last year by Hamas on Israel, the ugly face of antisemitism has showed on college campuses across the country. Instead of preparing our young people for life, and getting them ready to be productive members of a civilized society, campuses have turned into indoctrination centers of hate. It seems to be getting worse, to me. Maybe it is because I am in New York City.

And in the news, sadly, we have seen antisemites boldly flying the flags of Hamas, of Hezbollah, terrorist organizations in my city. We have also seen a terrible display of a sign saying, Long live October 7 at a memorial that was dedicated to the victims of the Nova Music Festival. We have seen vandalism of homes of the Jewish board members of the Brooklyn Museum.

And we have also seen, as you mentioned, Mr. Deutch, the bullying of Zionists or pro-Israel individuals on the subway system. Completely unacceptable. It starts with education. It starts with the classroom. I think we need to work together.

But I have introduced two bills I just want to mention briefly. I have H.R. 7231, which is the Campus Act, and this legislation

would prohibit universities that have been found to promote antisemitic activities or that are protecting antisemitic faculty from receiving federal funding. I think it is a good bill. I think it is something that would really make a difference in pushing these university presidents to hold faculty or these student organizations accountable.

Professor, I know you are also from New York City. I would love to hear your view, if you support a measure like that, and if you think it would be effective.

Mr. DAVIDAI. Well, to be honest, being a professor, I cannot comment on something I don't know all the details of.

But as a fellow New Yorker, we have to remember anti-Jewish crime is the number-one hate crime in New York City for the past seven years in a row. This is a spike, but this is not new. And this has been under the current mayor, Eric Adams's Administration, and it has been under the previous administrations. The biggest Jewish population of the U.S. is in New York City, and nothing has been done.

Ms. MALLIOTAKIS. It is getting worse. It is getting worse, and——

Mr. DAVIDAI. Unfortunately. Hopefully, this will stop it, but yes.

Ms. MALLIOTAKIS. Doctor, I would like to ask you. I have another bill, H.R. 7232, No Visas for Antisemitic Students Act, that would revoke the visa of foreign students in the United States who are members of these organizations and participating in this activity. What are your thoughts on that?

Mr. PIDLUZNY. Yes, our view is that there are four grounds of inadmissibility that have been triggered in some cases, right? So DHS already has this authority to look at these protests, and try to understand which of the students have espoused support or given support for terrorism, which of the students have committed crimes involving moral turpitude, any who lied in their visa application.

And so I applaud your leadership from Congress, but I think the Administration could take these actions itself if it wanted to.

Ms. MALLIOTAKIS. Okay. Well, perhaps this legislation would give them a little more teeth to do it.

And Ms. Dror, would you agree with something like that? Do you think that we should be stripping visas from—whether it is my bill or whether it is the Administration doing it—should we be stripping visas from foreign students who are committing antisemitic activity on our campuses?

Ms. DROR. Absolutely. The leader of the Coalition for Mutual Liberation, Cornell's program, or Cornell's organization, is on a student visa. He should get that student visa revoked yesterday.

Ms. MALLIOTAKIS. That is a perfect example, Doctor. It is obviously not happening at the Administration level. Hopefully, we can push them with new legislation.

Mr. Deutch, you are obviously a subject matter expert on these issues, as a Member of Congress formerly. We would love to talk to you about education. What can we do more to educate young people about the Holocaust, about the history of Israel? We have



a Jewish student here who was called a Nazi by a fellow student. It is outrageous, simply because she supports Israel.

Social media misinformation. You know, these students that are doing this, they are actually proud to have the endorsement of Hamas and Iran. What can we do to educate young people both at the state level and the national level?

Mr. DEUTCH. I can answer that in 10 seconds. It is good to see you again, Congresswoman.

Look, the—you touched on each of the key pieces. One, on social media, there are—it is absolutely true that the majority of young people now get their news in 10-second, 6-second videos on TikTok and on Instagram. We have to make sure that the social media companies—that these platforms uphold their own rules, and that Congress is taking a hard look at that, as well, to make sure that they are, and other steps that can be taken.

In the K-12 space, we have got to be sure that, as we see the explosion in some parts of the country of curricula that not only don't accurately teach history, but specifically try to exclude Jews and the teaching of antisemitism and the Holocaust, that we go the other way, that we make sure it is not just the Holocaust that we are studying, but the contributions of Jewish Americans to our country, that Jewish American Heritage Month is actually observed around the country, in our businesses and in our local governments, in every place where we have an opportunity to help educate people. That is another way.

And on college campuses, our—we have an obligation to make sure that everyone on a college campus, including the residential advisors, including the members of the administration—not just the administration and his or her team, but everyone in the university—has a chance to learn again, yes, about the Holocaust, but also about the history of antisemitism, the history of the Jewish people.

And frankly, it is important for everyone to understand the history of Israel so that these outrageous claims about Israel being a White settler colonialist enterprise, that instead they will actually learn that Israel is the homeland for the Jewish people. With 3,000 years of history of Jews being connected to that land, that the State of Israel not only is not a White settler colonialist enterprise, but that the majority of Israelis are actually people of color.

There is an enormous amount of education that is required. AJC, other groups play a role there. Our educators play a key role there. It is—and I applaud you for raising it—it is the most important thing that we can do long term to make sure that people understand the facts so that we can all push back against the kind of anti-Jewish hatred that we have seen.

Mr. DAVIDAI. May I just add that the majority of U.S. states do not require schools to teach about the Holocaust? Only 20 states have rules that you must teach about the Holocaust. Three more have recommendations, and the rest nothing. So when, as a professor, at the point when I get my students to come to class, many of them, maybe a majority of them, have never taken a class about the Holocaust, so they go to TikTok.

Ms. MALLIOTAKIS. Thank you for your insight and ideas.

Chairman SMITH. Thank you. I want to thank each and every one of you all for taking the four hours to be in this hearing, and for your words. You can count on us not stopping and rooting out this evil problem.

Please be advised that members have two weeks to submit written questions to be answered later in writing. Those questions and your answers will be made part of the formal hearing record today.

With that, the committee stands adjourned.

[Whereupon, at 2:25 p.m., the committee was adjourned.]

## **MEMBER QUESTIONS FOR THE RECORD**

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MIKE CAREY  
15TH DISTRICT, OH

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515**

June 13, 2024

Dr. Shai Davidai  
Columbia Business School  
509 W 120 St  
New York City, NY 10027

Dear Dr. Shai Davidai:

As we know, most American tax-exempt schools receive their tax-exemption status because of their "educational purpose" pursuant to section 501(c)(3) of the Internal Revenue Code. However, some of these institutions, like Columbia, are failing to fulfill that educational purpose. For example, we have seen graduation ceremonies and classes cancelled, final exams rescheduled or moved to a virtual format, and other disruptions that inhibit the ability of students to learn on campus.

We have heard many reports that some Jewish students have felt so unsafe on campuses that they have simply gone home and paused their educational pursuits.

My questions:

- I understand Columbia took some of these actions in response to a series of antisemitic rallies and unauthorized encampments in violation of campus policy. Do you think that this decision to move classes and final exams helped the school fulfill its educational purpose? Why or why not?

Sincerely,



Mike Carey  
Member of Congress

Friday, July 12, 2024

Dear Congressman Mike Cary,

Thank you so much for your question regarding Columbia University's decision to move classes and final exams to a virtual format. You asked whether this transition helped the school fulfill its educational format. My response is twofold:

As a professor, I must say that virtual classes are not, and have never been, as effective as in-person classes. If they were, every university would have already switched to being entirely virtual years ago, as doing so is very cost-effective. Yet, that is, of course, not the case, as cost-effective and educationally-effective are not the same thing. Rather, since students are substantially less engaged and attentive in online classes, and since attention is essential for retention of information, this kind of environment does not compare to the intense and engaging environment of the classroom. Second, while virtual education allows students to focus, at least partially, on the professor, it inhibits an essential yet often overlooked aspect of education: peer learning. Students do not only learn from their professors but also gain much knowledge and critical thinking skills from exposure to their classmates' (ideally) diverse opinions. Yet, such an exchange of ideas tends to be highly limited and often non-existent in a virtual environment, which is why most professors detest teaching online classes, especially for higher-level students (juniors, seniors, and graduate students). Finally, a virtual environment impedes the ability to create a meaningful, human interaction between professors and their students, and thus disrupts our ability to notice which students require more attention and guidance. Simply put, online classes harm students.

Yet, as a Jew, I must say that the switch to virtual learning was not only ineffective, but also highly discriminatory. For this, it needs to be noted that Columbia did not switch to entirely virtual learning but rather to "hybrid" learning, meaning that students had the option and luxury to choose whether to attend classes in-person or online. While this may seem the most flexible and thus inclusive option for students, in practice it created a two-tier system in which students who felt safe on campus attended classes in-person and those who didn't attended them online. Or, as one Jewish student told me a few days after the switch to "hybrid", Columbia University created a system in which classes are virtual for Jews and in-person for everyone else. For all intents and purposes, Columbia University segregated higher education for Jews. It may not have been the university's goal, but in failing to ensure Jewish students' safety in-person, that is what Columbia University achieved.

I hope that this answers your question. I am always happy to answer more questions, as needed.

Sincerely,  
Shai Davidai,  
Assistant Professor of Management at Columbia Business School



## **PUBLIC SUBMISSIONS FOR THE RECORD**

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**DANIEL T. KILDEE**  
8TH DISTRICT, MICHIGAN  
WAYS AND MEANS COMMITTEE  
BUDGET COMMITTEE  
STEERING & POLICY COMMITTEE  
CO-CHAIR



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June 13, 2024

Some have raised unfounded allegations against Qatar, a key regional ally to the United States, that deserve to be addressed.

Right-wing media entities and conservative think tanks have engaged in a concerted effort to promote disinformation, including that Qatar gives safe harbor to Taliban and Hamas terrorists, and that Qatar has given billions of dollars to colleges to influence the curriculum, hiring and admissions practices of U.S. universities. The American people deserve the facts.

Currently, six U.S. universities operate branch campuses in Qatar, helping to educate and award degrees to Qatari women and men, and other international students who wish to study in Qatar. These U.S. universities operate independently of the United States or Qatari governments. Their academic degree programs are entirely governed by individual, independent contracts between each university and the not-for-profit Qatar Foundation, which operates Education City, an educational and research hub in Doha. As the U.S. Department of Education has reported, Qatar pays approximately \$500 million annually to these six universities that operate branch campuses in Qatar. These payments, from the Qatar Foundation, are reimbursements for the cost of operating these American universities in Qatar, including faculty salaries, student operations, and administrative costs. It is worth noting that many American universities operate branch campuses in many countries, not just in Qatar.

Like all Americans, I am concerned about the rise of antisemitism in the United States. Antisemitism has no place in our communities and must be called out, in all its forms. It is important to highlight that Avril Haines, the U.S. Director of National Intelligence, was recently asked in a Senate Armed Services Committee hearing if Qatar has played a role in recent antisemitic protests on college campuses. Director Haines said no.

Regarding Hamas political leaders that are allowed to reside in Qatar, is important to remember that it was the United States who asked for this to happen. After Hamas won the January 2006 Palestinian Authority legislative elections, it was the Bush administration and then-Secretary of State Condoleezza Rice who requested Qatar's assistance in hosting Hamas political leaders to help facilitate the peace process between Hamas, the Palestinian Authority and Israel. After the heinous and brutal attack by Hamas on Israel on October 7, 2023, Qatar has said they are open to changing this agreement, but only in consultation with the United States. As a mediator in numerous world conflicts, Qatar has also hosted senior Taliban leaders in Doha, which allowed the Trump administration to negotiate the Doha Accord in 2020 that led to the removal of U.S. troops from Afghanistan.



Qatar is a key regional ally in a difficult region. They host thousands of U.S. service members at Al-Udeid Air Base, the largest military installation in the Middle East. I have visited Al-Udeid Air Base in Qatar and seen first-hand the more than \$8 billion in Qatari funds that have been invested to improve and enhance the military base for the thousands of American men and women serving there.

President Biden designated Qatar as a major non-NATO ally, a rare designation that also is afforded to other U.S. allies including Australia, Japan and the Philippines. Qatar shares regional security interests and, like the United States, wants to de-escalate tensions in the Middle East, including threats posed by Iran.

Qatar has been a reliable security partner to the United States. While other Gulf Nations have restricted what types of missions the U.S. military can operate from military bases in their countries, Qatar has not. When Israel was recently attacked by Iran with hundreds of cruise missiles and drones, U.S. Air Force pilots launched combat and refueling operations from Al-Udeid Air Base in Qatar as they defended another U.S. ally, Israel.

Additionally, Qatar played a key role in evacuating thousands of U.S. personnel and Afghan refugees from Afghanistan. And today, Qatar, along with Egypt, continues to play a key mediation role between Israel and Hamas, working to secure the release of hostages and secure a lasting ceasefire.

Sincerely,



Daniel T. Kildee  
MEMBER OF CONGRESS

### Why I Have Been Expecting President Pollack's "Retirement"

On May 9, 2024, at 1:24 PM Cornellians received an [email](#) from President Martha Pollack stating that she will be retiring on June 30.

President Pollack wrote:

*I understand that there will be lots of speculation about my decision, so let me be as clear as I can: This decision is mine and mine alone. After seven fruitful and gratifying years as Cornell's president — and after a career in research and academia spanning five decades — I'm ready for a new chapter in my life.*

It is my opinion that President Pollack's resignation was the necessary and logical conclusion for Cornell to maintain its brand and its funding, both public and private. Publicly, federal funding, as well as taxation on endowments, is at risk and continues to be at risk. Privately, alumni donations were at risk.

If President Pollack were to stay, I believe the school was bound to have an economic hit and in the worst case scenario, an economic disaster. All of it because of President Pollack's policy of choosing who could and who could not speak freely at Cornell (something that seems to be contrary to federal antidiscrimination policy) and her record of putting DEI above both free speech and merit.

President Pollack wrote about the timing of her retirement in the email:

*It is only after extensive reflection that I have determined that this is the right decision. Indeed, I began deliberating about this last fall, and made the decision over the December break; but three times, as I was ready to act on it, I had to pause because of events on our and/or on other campuses.*

President Pollack wrote that she had been deliberating about retirement since last fall, but common sense argues that she had not committed to a decision as late as January 27, when the Board of Trustees [unanimously voted to support her](#). Indeed, one has to ask, if President Pollack really decided to resign before January 27, why would she let the Board even vote to unanimously support her?

The unanimous vote of support from the Trustees on January 27 came on the heels of an [open letter](#) that Cornell alumnus, donor, and former trustee, Jon A. Lindseth sent to Chairman Kraig Kayser and the Cornell Board of Trustees on January 22. Lindseth wrote:

*President Pollack's shameful recent response to clear acts of terrorism and antisemitism compared with her swift and strong response to the George Floyd tragedy demonstrates that Cornell is no longer concerned with discovering and disseminating knowledge, but rather with adhering to DEI groupthink policies and racialization... Today the instruction Cornell offers is in DEI groupthink applied to every field of study. The result is a moral decay, some call it "rot", that falls in line with prevailing ideology and dishonors basic principles of justice and free speech. Under President Pollack's leadership the university continues to put more value on DEI's broad application rather than merit. This was not how Cornell became one of the country's leading institutions and a proud member of the Ivy League.*

The Wall Street Journal reported on January 24, that wealthy donors in the Cornell Free Speech Alliance and yours truly, an underpaid associate professor also called for President Pollack's resignation. However, with all the money Cornell University receives from authoritarian countries such as Qatar, Saudi Arabia, and China, I believed that the withholding of alumni donations was not enough for President Pollack to resign.

However, my opinion changed on January 25 when I read *The Cornell Daily Sun*. After reading the news, I expected that President Pollack would have to "decide to retire."

On January 25, *The Cornell Daily Sun* published a story entitled, Ways and Means Committee Chairman Challenges Cornell's Tax-Exempt Status Over Response to Hamas Attacks, Treatment of Jewish Students that included a link to a letter that Congressman Jason Smith, as chairman of the House Ways and Means Committee, wrote on January 10 to four university presidents or acting presidents reminding them that their university's tax exempt status and their federal funding was contingent on their compliance with federal antidiscrimination laws.

The letter was sent to President Pollack as a response to Talia Dror's compelling testimony to the House Ways and Means Committee where she stated that Cornell failed to uphold their self-proclaimed values of equity and belonging when students, professors, and administrators celebrated the brutal massacre of innocent civilians that took place on October 7, 2024.

It did not escape Chairman Smith's notice that the institutions he called out regarding their inaction when it came to Jew hatred on campus had no problem condemning the failure to use preferred pronouns or making true comments that did not fit the universities narrative regarding George Floyd.

Chairman Smith went on to write,

*Free speech should be protected – even speech we disdain. But your universities have long practiced the protection of preferred speech rather than truly protecting all speech. In so doing, you appear to have lost the ability to recognize when speech crosses the line into conduct, especially on topics that do not fit into your preferred categories.*

Chairman Smith requested responses to the following by January 24, 2024:

1. Please provide and clearly identify your policies relating to student free speech rights, associational rights, and any relevant student codes of conduct.
2. What is your university doing, if anything, to address the poor ratings you have received from FIRE on protecting free speech on campus?
3. What is your university doing, if anything, to examine how it evaluates the difference between free speech and harassment, threats, and incitement?
4. Do you have policies in place to determine when you, as a university president, will issue a statement in response to events either on your campus or elsewhere? If so, please provide a copy of those policies.
5. How do you decide whether to issue a statement on a particular event?
6. As a tax-exempt entity, how are you fulfilling your educational purpose for your Jewish students on campus?
7. Is your university subject to the excise tax based on investment income of private colleges and universities under Internal Revenue Code (IRC) § 4968?
  - a. If yes, please provide the market value of your university's endowment for the most recent fiscal year.
  - b. If yes, please provide the amount your university paid under IRC § 4968 for the most recent tax year.
8. How does your university's endowment contribute or further your university's tax-exempt purpose?
9. How are you adequately protecting your Jewish students on campus to comply with antidiscrimination laws and your university's tax-exempt status?

10. How much does your university spend on diversity, equity, and inclusion programming and initiatives?

11. How many staff and university personnel do you have dedicated to diversity, equity, and inclusion programming and initiatives?

12. Please provide any mission statements, policies, handbooks, or other documents that detail the role of diversity, equity, and inclusion departments and programs on your campuses.

13. Do your diversity, equity, and inclusion departments serve Jewish students on campus?

I had written many times to President Pollack to question her commitment to Critical Race Theory training and never got a response. It was clear to me that President Pollack had no ability to defend the indefensible and would never be able to respond coherently to Chairman Smith's request.

On March 23, *The Cornell Daily Sun* published another story entitled, *House Ways and Means Committee Cites CML Members' Praising of Militants in Second Letter to President Pollack* that included a link to a second letter that Chairman Smith wrote on March 21. The letter, which was only sent to President Pollack, requested additional information.

In the letter, Chairman Smith reiterated:

*The focus of the Committee's inquiry and questions is to understand what universities like yours are doing, if anything, to change course drastically and address what has gone unaddressed for years. Doing so is essential to justifying the generous tax-exempt status that the American people have provided institutions like yours for decades... The moment calls for serious institutional change. That is what this Committee expects and that is what the American people expect from institutions that were designed to prepare and educate the next generation of leaders.*

I believe that President Pollack is incapable of recognizing the difference between free speech that serves the educational mission of the university and disruptive conduct that is anathema to the educational mission of the university.

Indeed, The American Council of Trustees and Alumni (ACTA) which awarded President Pollack the Hero of Intellectual Freedom Award in 2017 for her commitment to free expression, produced a video in 2022 entitled Cornell

University Free Your Campus which specifically called out Cornell University as an institution that failed to protect free expression and intellectual diversity.

In 2023, under President Pollack's leadership, Cornell dropped from 154<sup>th</sup> to 212<sup>th</sup> place out of 248 schools in the free speech rankings of the *Foundation for Individual Rights and Expression* (FIRE). When the rubber hit the road, President Pollack was unable to be a Hero of Intellectual Freedom.

In his second letter, Chairman Smith made additional requests to President Pollack for answers to the following questions, which he expected no later than 5 p.m. on April 4, 2024. He wrote:

1. *Please describe what, if any, disciplinary action has been taken against students and other Cornell campus administrators or faculty for violating Cornell's policies related to antisemitism since October 7, 2023. Please be specific about the discipline rendered and the specific incident at issue related to such discipline. This includes but is not limited to the "die-in" activities in January 2024 that appear to have violated numerous campus policies and the numerous protest activities in February and March 2024 detailed above.*
  - a. *Has Cornell punished specific students for violating these policies? If yes, how many?*
  - b. *Has Cornell punished the leaders of student groups that organize protests that violate campus policies? If yes, how many?*
  - c. *Has Cornell punished student leaders of groups that chant genocidal slogans directed at Jewish students? If yes, how many?*
2. *Why do you think antisemitism has grown on Cornell's campus over the last decade?*
  - a. *Do you think the rise of antisemitism on Cornell's campus is a serious problem?*
3. *As a leader at Cornell, do you believe there are actions that can be taken to help change the campus culture that has allowed antisemitism to flourish on campus? If so, what actions does Cornell plan to take and what tangible impact do you expect those actions to have?*
4. *Has Cornell (including anyone in Cornell's administration) ever considered, drafted, or issued a statement on antisemitism between January 1, 2015, to present? If so, please provide details about and copies of those statements,*

*including all drafts of statements considered, and final statements issued by the University or its President during that timeframe.*

*5. Please provide any drafts and final statements published by the University since 2020 that highlight the difference between protected free speech on campus and unprotected speech that instead amounts to harassment, incitement of violence, etc.*

*6. Is it true that Cornell receives donations and/or funding from foreign sovereignties or governments? If so, please detail the amount and goal for each donation or piece of funding from 2019 to the present.*

I continued to believe that President Pollack was unable to respond coherently to Chairman Smith's request. This meant that the only serious institutional change Cornell would be capable of achieving would be the "retirement" of President Pollack and the appointment of Provost Michael Kotlikoff as acting president.

Last fall, Provost Kotlikoff showed an interest in free speech by meeting with John Tomasi, president of the Heterodox Academy. This spring, Provost Kotlikoff demonstrated a commitment to free speech by inviting Ann Coulter, Francis Fukuyama, and Nadine Strossen to lecture or participate in discussions on free speech. Let's hope that Provost Kotlikoff will also demonstrate a commitment to eliminate Cornell's bloated and deeply embedded Diversity, Equity, and Inclusion bureaucracy, which preempts free speech.

In President Pollack's resignation letter, she wrote that "*We have worked hard to uphold our commitment both to free expression and to being a community of belonging, where everyone is welcome and safe.*"

President Pollack may have worked hard, but she failed. This is because President Pollack is oblivious to the fact that free speech, which is necessary for the search for truth and minority rights in a democracy cannot coexist with the so-called "community of belonging" envisioned by the vast Diversity, Equity, and Inclusion (DEI) activist bureaucracy that seeks freedom *from* speech.

President Pollack's prioritization of DEI over free speech during "Cornell's Theme Year of Freedom of Expression," where scare quotes were ironically or intentionally the official logo, explains many things.

It explains why Cornell's First Amendment Clinic boycotted Matt Taibbi's lecture.

It explains why Cornell's Director of Counseling and Psychological Services as well as the Professional Academic Advisors boycotted the screening of *The Coddling of the American Mind* with a talkback with Ted and Courtney Balaker.

It explains why the posters announcing the free speech programming hosted by the Heterodox Academy Campus Community at Cornell University were constantly torn down, having a half-life of approximately three hours.



Since President Pollack is incapable of making the changes that Cornell requires to 1) understand and correct the direction Cornell is heading; 2) undo changes that she had made that devalued the pursuit of truth, abridged civil liberties—especially for Jewish students, and mocked merit; and, 3) provide credible actions that would be real answers to Congress' questions; she had to “retire”.

Because President Pollack's policy of choosing who could and who could not speak freely at Cornell University was contrary to federal antidiscrimination policy, she put Cornell's federal funding and tax-exempt status at risk.

It is my opinion that President Pollack resigned so that Cornell would not lose its federal funding, 501(c)(3) tax-exempt status, and private donations. Let's hope that as acting president, Michael Kotlikoff will make the necessary changes to undo the damage that President Pollack's illiberal policies inflicted on the first Ivy League University founded in the United States of America.



## Testimony of Robert C Platt on behalf of Cornellians United for Free Speech

Thank you for considering this written testimony. I am Robert C Platt, and I graduated *cum laude* in Chemistry with distinction in all subjects in 1973 and a JD from Cornell Law School in 1976. I am testifying on behalf of Cornellians United for Free Speech, a group of alumni, students, faculty and staff that promotes free expression, academic freedom, viewpoint diversity and due process on Cornell's Ithaca campus. Cornellians United believes in defending free speech regardless of whether it is being attacked from the left, the right or the center.

### Cornell's Unique Experience with Conduct Regulation

Until 1970, regulation of student and faculty conduct was delegated by the Trustees to the University Faculty. In December 1968, a group of Black student activists overturned some vending machines as a part of a disruptive demonstration demanding a Black studies program. These students were processed for their misconduct before a hearing board that consisted of both students and faculty, but they claimed that the judicial system was illegitimate and racist and refused to appear for their hearings. The hearing was repeatedly postponed until April 18, 1969, where the students were tried *in absentia*. (By this point, the Administration and Trustees had voted to establish an Africana Studies Center effective the following fall.) The Hearing Panel deliberated until 2 a.m. on April 19, and voted to issue a written reprimand to each accused student.

Within hours, the Afro American Society (AAS) took over Willard Straight Hall, ejected the parents staying in the rented guest rooms, all building staff, and the students operating the radio station housed there. Later, they brought in guns and bandoliers of ammunition. On Sunday, April 20, 1969, the AAS negotiated a peaceful departure with the Administration, but were allowed to march out with their guns. The Administration agreed to propose to the faculty that the earlier reprimanded demonstrators be granted amnesty. It also promised to revise Cornell's on-campus judicial system.

The University Faculty, which was a group of over 1,000 professors, met as a plenary group and voted down the amnesty request. Eight thousand students then occupied the armory building to protest this result, and the University Faculty took a second vote to approve the amnesty.

In response, a number of conservative faculty resigned in protest.

The Trustees later created the University Senate with voting student, faculty, staff and alumni representatives. In turn, the Senate established a new, independent judicial system that functioned well until 2021.

### Henderson Law

In response to the Straight takeover, the New York State Legislature enacted the Henderson Law (NYS Education Law Section 6430) that required each public or private college in the state (including Columbia, NYU and Cornell) to adopt rules for the maintenance of public order. The

New York law may be a useful model for federal legislation. It requires each campus to write its own rules and procedures. The rules are applicable to “students, faculty and other staff as well as visitors and other licensees and invitees on such campuses and property.” The rules must protect freedom of speech and freedom of assembly. Each college must certify annually that it is complying with the Henderson Law, and the rules must be distributed to all students annually.

At Cornell, the rules contained detailed provisions for handling protests. In theory, if a student, a faculty member and an employee locked arms and blocked traffic on campus, all three would receive equal treatment. Learning the lessons of 1969, the rules were content-neutral and were to be applied regardless of the identity group of the accused or their political position.

Because the judicial system was independent of the central administration, no person or group could use political pressure to negotiate for “amnesty” or argue that they should receive leniency because their political views aligned with the campus President.

Finally, Cornell banned guns on its campus.

## Downfall of Cornell's System

In recent years, the political left demanded that Cornell adopt a “speech code” which would protect students from “hate speech.” This was vigorously resisted by Cornell's shared governance groups, despite the demands of some student affairs administrators. After years of pressure, on December 10, 2020, the Trustees terminated the independent judicial system, replaced its codes with a student code, ghost-written by the University Counsel, and left the Rules for the Maintenance of Public Order in limbo with respect to conduct of non-students. Hearing panel members were to be subject to mandatory DEI training, and the rules regarding demonstrations were repealed. The new system became effective in August 2021. The new system gave rise to the conditions described by Talia Dror.

## Lessons Learned

Congress should consider additional legislation to address the current campus climate. Rather than impose a particular set of standards or dictate a particular adjudication process (as is the case with the current Title IX regulations) Congress should recognize that the best result comes from a robust marketplace of ideas on each campus. A diversity of viewpoints should be encouraged and the thoughtful exchange between various advocates should be facilitated.

The problems with the current environment is that advocates (perhaps acting from a common playbook) seek to force the central administration to take actions endorsing just one view. The assumption is that once a university president proclaims an official position on a political issue, anyone who disagrees will be silenced into accepting the newly-proclaimed orthodoxy.

American has now witnessed “encampments” on many campuses where protesters chant mechanically, rather than engaging in conversations intended to persuade other community members to change their views. The target is the campus President rather than other students.

Institutional neutrality would eliminate much of this tactic. If every college were to adopt a statement similar to the University of Chicago Kalven Report, demonstrators would stop seeing a President statement agreeing with them as their primary objective.

## Content-Neutral Speech Regulation

Universities should have clear rules on the time, place and manner of expression or protests. Those rules must be enforced in a content-neutral way. A major problem at Cornell was the repeal of a clear set of rules with a new student code. That code included the new core values that placed freedom of expression on an equal footing with a sense of “belonging” or “respect for the natural environment”. This implies that the judicial system’s responsibility to protect free speech can be enforced in a biased manner in the context of promoting a minority group’s sense of belonging or protesting for environmental justice.

Similarly, instead of mandating free speech training for hearing panel members (which is probably the most complex issue that a hearing will consider) the new procedures mandate DEI training.

## Hearing Panels Work Better Than Administrator Decisionmakers

A major cause for concern with the mandated Title IX procedures is that they require a separate adjudication system from the otherwise applicable campus conduct system. This was motivated by a concern that the campus conduct system might be biased in handling sexual misconduct cases. Yet, on many campuses, the Title IX process has expanded beyond sexual misconduct to include discrimination complaints. The Title IX procedure use a single-investigator model.

The Title IX procedures limited the amount of due process offered to the accused, resulting in many lawsuits and a general impression that the process does not operate in a fair manner.

For a conduct system to succeed, it must receive “buy in” from the major stakeholders. A system generally seen as biased will only incite further campus unrest rather than quell it.

The most important element is who decides the guilt or innocence of the accused. Recent Congressional hearings have placed a heavy responsibility on the campus President. While presidents are responsible for the overall operation of a university, they should not decide individual conduct cases, nor should any other designated administrator.

A number of important “honor codes” have regulated student conduct for decades at major universities. This includes the University of Virginia, and the service academies. These systems appeal to student’s sense of duty to reach a fair result, and their schools take great pride in the just operation of their conduct regulation.

Cornell had a 50-year track record under its prior system. If the accused was a student, a hearing panel was selected from a pool with three students, one faculty and one staff sitting in judgment. If the accused was a faculty, the panel was three faculty, one student and one staff. If the accused was an employee, the panel was three employees, one faculty and one student. The final verdict was appealed to a University Review Board composed of students, faculty and staff.

## Precedents and Civil Disobedience

Another important feature of the Cornell system was a detailed system of records to keep track of prior decisions as precedents. This prevented a wide variation in penalties because of the identity groups or viewpoints involved in a particular case.

To the extent that cases involve civil disobedience, it is important for the specific penalties or consequences to be known in advance, so that a person can make the moral choice that the penalty is worth the act of asserting the moral principle. At Cornell, the prior case law would inform such decisions. Under the current system, consequences and punishments are kept secret and are subject to case-by-case negotiation. As a result, the conduct system has little deterrent effect, and activists expect amnesty or a margin of leniency because of their identity group. Protesters argue that their right to free expression has priority over past punishment for similar conduct.

To the extent that the Committee puts pressure on campus Presidents with hypotheticals, the implicit assumption is that the President would be making the determination of guilt or innocence. Instead, the optimal answer would be that any campus member would be subject to a trial by a jury of his or her peers, and that a series of past precedents would determine the nature of the punishment.

## Due Process

Due process rights are very important to prevent the chilling of free speech rights. At Cornell, there was a team of law students who were paid to serve as "Respondent Code Counselors," the equivalent of public defenders. The accused also had the option of hiring an outside lawyer or some other advocate. The accused had the full rights of an adversary proceeding.

Critics of the former Cornell system claimed it was "too legalistic" and instead most cases today are resolved by plea bargaining under an alternative dispute resolution (ADR). However, an ADR can be fair only if the underlying procedures offer full due process rights. Of course, it is important that the accused have access to a timely hearing. In some cases, the investigatory phase has dragged on for a year and then the accused was threatened with either agreeing to an ADR outcome, or wait for another year to reach the hearing. Such delays are particularly painful when the accused is subject to an interim suspension pending the hearing.

With the emphasis on ADR, the disparate negotiated outcomes undermine public confidence in the fairness of the system and its content-neutral approach. Those accused of violations should receive equal treatment regardless of their political viewpoints or identity groups.

## Transparency

For the above-stated reasons, transparency in the conduct process is important. Although certain student records must be kept confidential, a summary of each case with the name(s) deleted should be used for a precedents file, that is made available to all. In addition, since 1971, the Cornell Office of Judicial Administrator was required to issue an annual public report summarizing its case load and nature of its operations. In 2021, when Cornell transitioned to the Office of Student Conduct and Community Standards, a provision in the procedure document continued the annual report requirement. However, despite extensive efforts, copies of those reports are still being withheld. The Committee could do a great public service by asking all of the universities under investigation to supply to it copies of such annual reports or other analysis of case load and processing times.

## Group Responsibility

The Cornell Student Code of Conduct provides that both individual students and groups are subject to disciplinary proceedings for violations. However, unlike state or federal criminal laws, there are no stated criteria for when misconduct will be pursued against the transgressing individuals and when the group will answer for the misconduct.

In October, chapters of Students for Justice in Palestine (SJP) were subject to disciplinary actions on various campuses. Apparently, those actions were not extended to the individual members of SJP. At Cornell, SJP ceased to organize demonstrations. Instead a new coalition called the Coalition for Mutual Liberation (CML) became the official organizer of protests and the spring encampment. CML never registered as a separate student organization. As a result, it placed itself beyond normal student organization regulation. In spring 2024, the only organization disciplined for Gaza-related protests was Cornell Climate Justice, because it made a false statement on an application for an outdoor expressive activity. To use the Committee's words, Cornell's conduct officials were "flummoxed" by CML tactics.

Conduct officials bringing charges or conducting ADR must treat all organizations fairly, regardless of political viewpoint or the demographics of its membership. If an organization declares itself to be the organizer of a protest, it must be held accountable for misconduct at that event. The same standards must be used for group accountability, regardless of whether an event is a fraternity party or a protest encampment.

## Labor Unions

Ivy League schools are now witnessing organizing efforts by graduate students and by a varsity [basketball team](#). The [Cornell graduate students](#) are seeking to make conduct issues a matter of arbitration under a collective bargaining agreement instead of being subject to the same conduct process as all other students. Because the union representing Cornell's graduate students has already adopted a pro-Palestine position, it is difficult to understand how a union-administered arbitration process would result in content-neutral conduct regulation.

## Conclusion

In conclusion, the Committee should consider legislation along the lines of the Henderson Law which makes each campus responsible for adopting its own conduct rules and procedures. Those rules should apply equally to students, faculty, staff and campus visitors. The rules should be widely available.

The central administration should not adjudicate the guilt or innocence of individuals accused of misconduct, but rather that determination should be made by a jury of one's peers.

In general (although beyond the scope of federal mandates), colleges should adopt statements upholding institutional neutrality. A university should be the host of critics rather than a social critic itself.

Conduct offices should maintain records of past precedents, including the nature of the offense and the penalties assessed. This will prevent inconsistent punishment based upon the political views of the parties.

Conduct codes should specify clear criteria to determine when misconduct is a group responsibility or an individual responsibility.

The Committee might consider legislation addressing whether students have collective bargaining rights with respect to conduct rule enforcement.

Many thanks for this opportunity to share these suggestions with you.

Respectfully submitted,  
Robert C Platt

