



## H.R. 8914, the *University Accountability Act* Rep. Malliotakis (R-NY)

### Background:

- Under current law, **the primary avenue to hold colleges and universities accountable for violating the rights of Jewish students rests within Title VI of the Civil Rights Act**, which prohibits discrimination on the basis of race, color, or national origin.
- The U.S. Department of Education's Office for Civil Rights (OCR) is charged with enforcing Title VI through its investigation and complaint process.
- A violation of Title VI can result in a loss of federal funds for the recipient/violating school, but it is **rare that the Department actually rules such a violation has occurred**, and when they do it often results in mere corrective action (i.e., acts that would bring the college/university back into compliance).

### Issue(s):

- Despite receiving generous tax benefits from the federal government, data and public reporting make clear that universities have not done enough to investigate and crack down on clear instances of antisemitic behavior occurring on their campuses.
  - As a result, many Jewish students have filed **lawsuits against their universities** for Title VI violations, whereas OCR has been slow to act.
- **OCR has historically elected to settle Title VI cases**, including those alleging antisemitism, and resolve them without determining whether a violation occurred, **creating a hollow deterrent for schools that allow such activity on campus and an easy remedy for schools seeking to avoid a revocation of federal funds**.
- While the revocation of tax-exempt status remains the only current punishment for entities who violate their exempt purpose, this punishment is almost never implemented by the IRS and is reliant on the agency taking decisive action, a rarity.
- To hold tax-exempt colleges and universities responsible for violating students' civil rights, the Committee should explore additional mechanisms to ensure that institutions of higher education are held accountable.

### The University Accountability Act:

- Legislation **levies a financial penalty against schools that have a civil judgment entered against them** by a federal court for violating a student's civil rights under Title VI of the Civil Rights Act.
- Colleges and universities that meet the penalty criteria **would be required to pay a fine of either 5% of the school's aggregate administrative compensation as reported on the school's Form 990 or \$100,000, whichever is greater**.
- After three civil rights violations, the IRS would be automatically required to review the college or university's tax-exempt status for **revocation**.