



November 4, 2021

VIA EMAIL

Ms. Catherine E. Lhamon
Assistant Secretary for Civil Rights
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202-1100

Re: OCR's Failure to Resolve Title VI Cases Alleging Antisemitism

Dear Assistant Secretary Lhamon:

Congratulations on the Senate's recent confirmation of your nomination as Assistant Secretary for the U.S. Department of Education's Office for Civil Rights (OCR). In a [statement](#) announcing your confirmation, U.S. Secretary of Education Miguel Cardona lauded you as a "champion" and "one of the strongest civil rights leaders in America" who will "lead the Department's vital efforts to ensure our schools and college campuses are free from discrimination on the basis of race, sex, and disability and to protect all students' civil rights in education."

These qualities in OCR's leader, while always important, are an imperative now, when antisemitism is surging, including on U.S. college campuses. A recent survey conducted jointly by the Anti-Defamation League and Hillel International found that [43 percent](#) of Jewish college students experienced and/or witnessed antisemitic activity in the past year. Just as disturbing, [most Jewish students](#) who experience antisemitism do not report it.

These findings should raise alarm bells for you, given that OCR has allowed three student-supported antisemitism cases filed by the Zionist Organization of America (ZOA) under Title VI of the Civil Rights Act to stagnate at the agency. One of the cases – against Rutgers University – has languished at OCR for more than 10 years, and we have not been able to get OCR even to respond to our repeated requests for information about the case's status.

OCR's foot-dragging when it comes to combating antisemitism is certainly not reflected in its latest January 2021 [Annual Report to the Secretary, the President, and the Congress](#) (for Fiscal Year 2020). Instead, OCR paints the opposite picture – that OCR recognizes the "troubling rise of anti-Semitism on campuses and in schools," that this problem "cannot be ignored," and that the "vigorous enforcement of Title VI to combat anti-Semitism" is one of OCR's "most important priorities." Indeed, OCR patted itself on the back, claiming in the report

that for two years in a row, it resolved at least 80 percent of all civil rights complaints filed within 180 days of receiving them.

This rosy report is not our reality – or the reality of the Jewish students who endured antisemitic harassment and intimidation that their schools failed to effectively address, and who were rightfully depending on OCR to protect them and enforce their civil rights under Title VI. Our three Title VI cases stagnating at OCR each alleged in deliberate detail how Jewish students were threatened and discriminated against, and how their schools failed to protect them as required by law. In addition to our more than 10-year-old case against Rutgers, the ZOA’s complaint against Duke University has been sitting at OCR for more than a year and half. Like our complaint against Rutgers, the complaint against Duke was deliberately comprehensive; after filing it, we even provided supplemental information to assist OCR in its evaluation of our claims. But to date, OCR has still not even notified us about whether it will be investigating the complaint. OCR’s silence and inaction is particularly egregious since, as OCR knows, Duke is a repeat Title VI offender. When we filed our complaint against Duke, the university was already supposed to be complying with a resolution agreement it entered into with OCR the year before, triggered by a previous antisemitism complaint filed by the ZOA. A third, deliberately detailed complaint was filed by the ZOA against the City University of New York School of Law (CUNY Law School) more than one year ago and yet it is still allegedly under review. When we inquired about the status of the complaint, OCR outrageously informed us that it could not even supply a date by which the review would be completed.

A timeline for each of the three cases is provided below. It unfortunately shows that OCR has not made combating antisemitism the priority this serious and growing problem requires.

ZOA’s Title VI Action against Rutgers University (OCR Case No. 02-11-2157)

- July 20, 2011: ZOA files its student-backed Title VI action.
- July 31, 2014: OCR issues a letter of findings, closing the case.
- September 29, 2014: ZOA files a timely appeal.
- August 27, 2018: OCR issues a decision on the appeal, reopening the ZOA’s case.
- No further action and no OCR response to three follow-up letters from the ZOA.
- August 16, 2021: ZOA writes to Acting Assistant Secretary for Civil Rights Suzanne Goldberg, urging OCR to finally complete its investigation and render a decision based on all the evidence. No response from OCR.
- **All of the students who courageously came forward have not been students at Rutgers for many years. At least three of them are now married. At least two have a child of their own.**

ZOA’s Title VI Action against Duke University (Duke 11-20-2268)

- March 19, 2020: ZOA files a student-supported complaint with OCR, alleging that Duke violated a December 3, 2019 resolution agreement with OCR. (The resolution agreement was triggered by a ZOA complaint filed with OCR in April 2019.)

- April 9, 2020: OCR responds, notifying the ZOA that as to one of the allegations, OCR will work with the university to determine how it can fulfill its obligations under the resolution agreement, while complying with public health obligations relating to COVID-19. As to the remaining allegations by the ZOA, OCR will treat them as a separate complaint.
- Despite ZOA's repeated inquiries, OCR has continued to respond, most recently on July 16, 2021, that the ZOA's complaint is still under evaluation. OCR provides no information about the university's compliance with the resolution agreement.
- **The students who faced harassment and intimidation and supported the ZOA's complaint have already graduated from Duke.**
- The perpetrator of the harassment graduated from Duke in the spring of 2020. On information and belief, the perpetrator's tuition, room, board and all mandatory fees were covered by a university scholarship, and the university never penalized her for her harassment, even though a university official acknowledged that she posed a physical danger to Jewish students.

ZOA's Title VI Action against CUNY Law School (Case No. 02-21-2010)

- October 15, 2020: ZOA files its Title VI complaint.
- October 19, 2020: OCR notifies the ZOA that it requires additional information in order to evaluate the complaint and requests responses to a series of questions.
- November 9, 2020: ZOA provides answers to OCR's questions.
- January 26, 2021: ZOA requests an update on the status of the case.
- January 26, 2021: OCR responds that the ZOA's complaint is under review, and that OCR does not have a specific date by when the review would be completed.
- July 15, 2021: ZOA again requests an update on the case's status.
- July 15, 2021: OCR again responds that the ZOA's complaint is under review and there is no specific date by when the review would be completed.

We strongly urge OCR to finally treat these Title VI antisemitism cases with the vigilance and seriousness they deserve, and give them the prompt, full and fair attention that is long overdue. Please consider the terrible message that OCR has been sending by its inaction, to the Jewish students who were threatened and harassed at Rutgers, Duke, and CUNY Law School, and to Jewish students everywhere: They should not and cannot count on OCR to protect their legal right to a learning environment that is physically and psychologically safe. Jewish students have little, if any incentive to come forward and report when they are threatened, harassed or discriminated against based on their Jewish ancestry/ethnicity, because their complaints to OCR will likely sit at the agency, ignored and unattended, for years.

OCR's inaction is sending an equally terrible message to colleges and universities – that they need not take their Title VI obligations to Jewish students seriously, because OCR will not respond to antisemitism complaints and will not hold schools accountable when they turn a blind eye to the harassment and intimidation of their Jewish students.

We raised these very issues in August 2021, in a letter to Suzanne Goldberg, when she was Acting Secretary for Civil Rights, and informed her of our belief that OCR's inaction has had harmful consequences at Rutgers University, where antisemitism continues to be a problem. Had OCR held Rutgers accountable for its abysmal response to antisemitic harassment and discrimination 10 years ago in response to the ZOA's Title VI complaint, the University would have been forced to start taking antisemitism seriously and effectively addressing it. More likely than not, Rutgers would have handled more recent incidents of antisemitism in a more appropriate way. Ms. Goldberg did not even bother to respond to our letter.

The campus environment for Jewish college students is getting worse, not better. Just days ago, a historically Jewish fraternity house at George Washington University was [broken into and vandalized](#). The vandals tore apart a Torah scroll and poured detergent on it. As one writer and activist [posted on Twitter](#) following this incident: "This isn't Nazi Germany in 1938. It's American college campuses in 2021."

That is a frightening commentary on the state of our college campuses. Any further delay in addressing campus antisemitism is intolerable and even potentially dangerous. We urge you to ensure that OCR truly makes campus antisemitism a top priority and addresses the problem immediately. As always, we are here to help in any way.

We look forward to your response.

Respectfully,



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National President



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