



שורת הדין (ע"ר)

מגדל ב.ס.ר. 3, רח' מצדה 9, בני ברק 5126237
3 BSR Tower, 9 Mesada street, Bnei Brak 5126237, Israel
info@israelawcenter.org • www.israelawcenter.org
Israel • Tel: 972-7-7514175 • Fax: 972-3-7514174
USA • Tel: 646-661-2881

March 17, 2025

President Donald J. Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Ms. Linda McMahon
U.S. Secretary of Education
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Mr. Craig Trainor
Acting Assistant Secretary for Civil
Rights
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Ms. Rachel Oglesby
Chief of Staff
U.S. Department of Education
400 Maryland Avenue SW
Washington, D.C. 20202

Dear President Trump, Ms. McMahon, Mr. Trainor, and Ms. Oglesby:

This is a collaborative appeal from various organizations dedicated to countering the unprecedented wave of antisemitism that has spread throughout society, particularly within American academia and the educational system. We applaud the President's January 29, 2025, Executive Order (Order) reaffirming Executive Order 13899 directed at combating the malignant antisemitism confronting Jewish students, in particular, and threatening the Jewish community nationwide. Section 3 of the Order is a positive step towards evaluating why present enforcement efforts are failing miserably and need reinvigoration.

We are also grateful for the additional ways in which the administration is decisively demonstrating its commitment to more robust application and enforcement of Title VI of the Civil Rights Act, including the announcement by the Federal Task Force to Combat Anti-Semitism of its upcoming visits to ten university campuses where students have been subjected to hostile antisemitic environments, and the announcement of the “comprehensive review of Columbia University’s federal contracts and grants in light of ongoing investigations for potential violations of Title VI of the Civil Rights Act,” including what has rightly been acknowledged as “Columbia’s ongoing inaction in the face of relentless harassment of Jewish students.”

We write here to illuminate additional aspects of Title VI application and enforcement that need to be revamped as a part of the administration’s dedicated campaign to meaningfully address antisemitism.

As you know, for several years and, most recently, following the horrific October 7th terrorist attacks on Israel, Jewish students on university campuses across the country have been subjected to harassment, threats, and even assaults. Despite this surging onslaught of hate, the U.S. Department of Education’s Office for Civil Rights (OCR) has failed when handling antisemitism complaints under Title VI because the OCR has been unable or unwilling to resolve these claims in a timely and meaningful manner.

The OCR Case Processing Manual states in its introduction:

“The Case Processing Manual (CPM) provides OCR with the procedures to *promptly and effectively* investigate and resolve complaints, compliance reviews, and directed investigations to ensure compliance with the civil rights laws OCR enforces.”¹

The OCR, however, is neither prompt nor effective when processing Title VI cases. The delays are unacceptable and harmful to students who face ongoing discrimination. For example, a case against Rutgers University, filed in 2011, was not resolved until more than 13 years later. Justice so delayed is justice denied to students impacted by blatant antisemitic conduct and wholly undermines the legal protections codified in Title VI.

¹ See <https://www.ed.gov/sites/ed/files/about/offices/list/ocr/docs/ocrcpm.pdf> (emphasis added).

Moreover, the OCR resolutions often lack the substantive remedies needed to effect real change. For instance, the resolution at Rutgers required only minimal steps, such as conducting “listening sessions” and providing general discrimination training, yet it failed to address the specific forms of antisemitism confronting Jewish students, such as anti-Israel and anti-Zionist harassment. Meaningful action requires comprehensive measures that address the root causes of campus antisemitism, including requiring universities to acknowledge and correct systemic issues.

The OCR must be redirected to comply with Executive Order 13899, Sec. 2(i) and apply the International Holocaust Remembrance Alliance’s (IHRA) working definition of antisemitism to every investigation and resolution. Moreover, universities should be required to ban antisemitic groups like Students for Justice in Palestine when their antisemitic activity constitutes and/or actively incites conduct that violates university policies. Furthermore, disciplinary proceedings should be instituted and meaningful sanctions imposed against staff, students, and faculty who harass or intimidate Jewish students inside and outside the classroom.

Jewish university students are an extremely vulnerable population when confronted by hateful campus antisemitism. Although their presence on campus is evanescent, typically lasting four years at most, Jewish students are disproportionately impacted by hateful conduct. The OCR’s failure to provide timely and meaningful relief leaves Jewish students with little confidence that their legal rights to a safe academic and living environment will be upheld. The OCR’s failings have a cascade effect. With cases often dragging on for years, students are discouraged from reporting harassment, knowing that the agency’s response is likely to be delayed and result in weak resolutions. Students who file complaints are often targeted for simply asserting their rights. Additionally, universities remain complacent about protecting Jewish students because the OCR’s slow process and inconsequential outcomes fail to hold institutions accountable for antisemitic conduct.

We commend the administration’s robust commitment to evaluating and correcting the OCR’s failings to date. This Administration has an auspicious opportunity to address

campus antisemitism by ordering stronger accountability from OCR. In light of the growing rise in antisemitic incidents, and so long as the OCR is the agency tasked with enforcing Title VI in the education context, it is more essential than ever for the OCR to fulfill its responsibility to protect Jewish students in a timely, efficient, and meaningful manner. This moment calls for swift action to ensure that Jewish students can rely on the OCR to safeguard their right to a safe educational experience, free from the discrimination that Title VI prohibits.

Thank you for your attention to this urgent matter.

Respectfully submitted by the following organizations:

Nitsana Darshan-Leitner, Esq.
Shurat HaDin-Israel Law Center, President

Karen D. Hurvitz, Esq.
Counsel, Education Without Indoctrination

Rabbi Yaakov Menken
Executive Vice President
Coalition for Jewish Values

Nevet Basker
Founder & Executive Director
Broader View: Israel Resource Center

Susan B. Tuchman, Esq.
Director, Center for Law and Justice
Zionist Organization of America

Rabbi Eric Fusfield
B'nai B'rith International, Director of Legislative Affairs

Julie Sacks
Congregation Shir Shalom, Educator

Dr. Joan Lurie
International Council of Jewish Women (serving on the ICJW UN team)

Carly F. Gammill
Director of Legal Policy, Saidoff Legal Dept.
StandWithUs