U.S. COMMISSION ON CIVIL RIGHTS

The Federal Response to Antisemitism

ON AMERICAN COLLEGE CAMPUSES



STATUTORY REPORT 2026

U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is an independent, bipartisan agency established by Congress in 1957. It is directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent practices.
- Study and collect information relating to discrimination or a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.
- Appraise federal laws and policies with respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or in the administration of justice.
- Serve as a national clearinghouse for information in respect to discrimination or denial of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin.
- Submit reports, findings, and recommendations to the President and Congress.
- Issue public service announcements to discourage discrimination or denial of equal protection of the laws.[1]

MEMBERS OF THE COMMISSION

Rochelle M. Garza, *Chair*
Victoria F. Nourse, *Vice Chair*
J. Christian Adams
Sara Frankenstein
Stephen Gilchrist
Mondaire Jones
Peter N. Kirsanow
Glenn D. Magpantay
Marik Xavier-Brier, *Acting Deputy Staff Director*

U.S. Commission on Civil Rights
1331 Pennsylvania Avenue, NW
Washington, DC 20425

(202) 376-8128 voice
TTY Relay: 711

www.usccr.gov

1 42 U.S.C. §1975a.

The Federal Response to Antisemitism on American College and University Campuses

United States Commission on Civil Rights

2026 Statutory Enforcement Report

UNITED STATES COMMISSION ON CIVIL RIGHTS

1331 Pennsylvania Ave, NW • Suite 1150 • Washington, DC 20425 www.usccr.gov

Letter of Transmittal

September 28, 2026

President Donald J. Trump
Vice President James D. Vance
Speaker of the House Mike Johnson
President Pro Tempore of the Senate Chuck Grassley

Dear President Trump, Vice President Vance, Speaker Johnson, and President Pro Tempore Grassley,

On behalf of the United States Commission on Civil Rights ("the Commission"), I am pleased to transmit our briefing report, *The Federal Response to Antisemitism on American College and University Campuses.* The report is also available in full on the Commission's website at www.usccr.gov.

In response to the increase in reports of antisemitic incidents and Title VI complaints on college and university campuses, the Commission examined three federal departments' Title VI enforcement responses: the Department of Education (ED), the Department of Justice (DOJ), and the Department of Health and Human Services (HHS). The Commission's investigation included testimony from subject matter experts, including government officials, academics, researchers, civil rights organizations, legal experts, and most importantly, university students who shared their experiences with the Commission. The Commission also hosted a listening session, received public comment, and received interrogatory responses from nine universities. Through this investigation, the Commission provides one of the first detailed federal examinations of university processes and procedures for addressing campus antisemitism following October 7, 2023.

The Commission's ability to fully assess the federal response, however, was limited by significant gaps in publicly available information. Federal websites were outdated, and despite their statutory obligation, ED, DOJ, and HHS did not provide the information and documents requested by the Commission after repeated follow-up.

The Commission unanimously approved the publication of this report. Our investigation found that educational institutions at times struggled to distinguish between a Title VI violation and protected expression under the First Amendment. As it stands, Title VI covers discrimination against a Jewish student only in so far as that discrimination is based on shared ancestry, which can be understood as race or national origin. It explicitly does not cover religion. Title VI protections can conflict with free-speech protections because political speech can be offensive, and even hateful, and still be covered as protected speech. Courts have held a narrower interpretation of Title VI, so it does not collide with the First Amendment, leaning towards deferring to college decisions that err on the side of academic freedom.

The procedures and support systems in place to resolve Title VI complaints on campus varied significantly across universities. All nine sample universities had resources designed to ensure Jewish students felt a sense of belonging. In response to the increase in complaints of antisemitism, many universities partnered with Jewish student groups to better understand student concerns and develop appropriate responses, and in light of their findings, campuses adjusted policies, most commonly through clarification or emphasis of time, place, and manner restrictions. Consequently, and notably, 97% of campus protests from October 7, 2023, to May 2024 were peaceful.

With respect to the response by the federal government, statutory requirements and standard procedures for resolution of Title VI complaints involve a program-specific, multi-stage process mandated by Congress that has historically emphasized achieving compliance through voluntary means where possible. ED's Office of Civil Rights (OCR) has primarily been responsible for complaint resolution, allowing the development of specialized expertise and the cultivation of long-term relationships with academic institutions. Ongoing compliance monitoring of these institutions is a key feature of these obligations and has traditionally been undertaken by regional offices.

Since 2015, discrimination complaints at OCR increased almost 120%, but staffing levels remained nearly stagnant. Reductions in staffing and funding cuts have further decreased OCR's capacity, with staff currently averaging caseloads four times more than what is recommended. The closure of 7 of 12 regional offices in March 2025 further exacerbated OCR's ability to investigate claims of antisemitism, for these offices accounted for 90% of ED's antisemitism complaint resolutions in 2024.

When a resolution cannot be reached with an institution through voluntary measures, a case may be escalated or referred to DOJ, where litigation has historically been the primary enforcement mechanism. For funding termination, Congress has established a mandated four-step process, where termination is limited only to the specific programs or activities found in violation. The multi-agency Task Force established under the Trump Administration has been exercising the last resort funding withdrawal options in shorter timeframes than what is accomplished through normal

procedure, and courts have noted the Administration's failure to adhere to the statutory procedural steps required in order to withdraw funding. Funding withdrawals are also not being limited in scope to the particular program, against statutory provisions. Moreover, courts have expressed that recent enforcement actions may extend beyond the stated purpose of combatting antisemitism, making it important for the public to receive clear information regarding resolution and settlement agreements, as well as the procedures in place for how the Task Force is conducting investigations.

For ED, DOJ, and HHS, there is no comprehensive public data regarding open cases. DOJ and ED have discontinued the practice of regularly updating their website to provide information on ongoing cases. No public information is available regarding current cases, such as whether they have been opened, are under investigation, or have been resolved. Congress should exercise their oversight abilities to seek this information.

The goal of civil rights enforcement should be meaningful compliance: ensuring that students are protected from unlawful discrimination and have equal access to educational opportunities. Where violations occur, federal agencies must have effective tools to address them. At the same time, enforcement should be clear, consistent, transparent, and faithful to the statutory and constitutional protections that apply.

The Commission submits this report to provide Congress, the President, educational institutions, and the American people with a clearer record of campus antisemitism and the federal response to it. Antisemitism is a serious civil rights concern, and students should be able to learn, participate, and express themselves without fear of discrimination or harassment. Our response must also preserve the constitutional freedoms that are fundamental to our educational institutions and our democracy.

Every student deserves a campus where their civil rights are protected and where they have a fair opportunity to learn and thrive.

For the Commission,



Rochelle M. Garza
Chair, U.S. Commission on Civil Rights

Table of Contents

Acknowledgements ..... **i**

EXECUTIVE SUMMARY **1**

CHAPTER 1: Introduction and Overview **11**

Background and Historical Context: Antisemitism in the United States 16

Defining Antisemitism *16*

Historical Context *19*

Targets of Antisemitism *21*

Drivers of Antisemitism in the U.S. *23*

Sites of Antisemitism *25*

Socio-Political and Media Landscape Post-October 7, 2023 27

Realities and Representations of Campus Protests *31*

Campus Antisemitism, 2021-2025 34

Trends in Antisemitism: Federal Data *37*

Trends in Antisemitism: Nonprofit Organization Data *41*

Trends in Antisemitism: College and University Data *48*

Improving Data and Methods for Civil Rights Enforcement *50*

CHAPTER 2: Title VI and Campus Antisemitism **53**

Title VI 53

Title VI in the Post–October 7th Context 56

Protected Characteristics *57*

Two Forms of Discrimination: Disparate Treatment and Peer Harassment *60*

Discriminatory Harassment in the post-October 7th Context *63*

Title VI Enforcement 76

CHAPTER 3: Alleged Incidents of Antisemitism on Select University Campuses **81**

Sample of University Campuses 81

School Characteristics *82*

Campus Jewish Experience *84*

Antidiscrimination Policies 88

Free Speech Policies 94
Campus Protests *99*
Institutional Responses to October 7, 2023 and Subsequent Protests *102*
Antisemitism Complaints and Incidents 108
Arizona State University *111*
Cornell University *116*
Rutgers University *122*
Stanford University *128*
University of California, Los Angeles *130*
University of Minnesota Twin Cities *136*
University of North Carolina at Chapel Hill *139*
Vanderbilt University *142*
Washington University in St. Louis *145*
Summary of Sample Universities 147
CHAPTER 4: The Federal Government's Response to Campus Antisemitism **151**
Department of Education 151
OCR Guidance on Title VI *155*
Free Speech and Unlawful Discrimination in Higher Education *158*
Administrative Changes, 2021-2025 ..... *159*
Initiatives and Enforcement Actions to Address Campus Antisemitism, 2021 – 2025 ..... *163*
Department of Justice 167
Title VI Investigatory Process *168*
Initiatives and Enforcement Actions to Address Campus Antisemitism, 2021-2025 ..... *171*
DOJ Title VI Actions *174*
Department of Health and Human Services 177
Initiatives and Enforcement Actions to Address Campus Antisemitism, 2021-2025 ..... *177*
Recent Examples of Federal Enforcement 180
Statement of Vice Chair Victoria Nourse **189**
Statement of Commissioner J. Christian Adams **193**
Statement of Commissioner Mondaire Jones **195**

Statement of Commissioner Glenn D. Magpantay 203

Rebuttal of Commissioner J. Christian Adams..... 207

[*This page is intentionally left blank*]

Acknowledgements

This report was produced under the direction and with the contribution of Dr. Marik Xavier-Brier, Director of the Commission's Office of Civil Rights Evaluation (OCRE). OCRE Social Scientists Dr. Jacob Swanson, Dr. Bridget Brew, and Dr. Heather Hicks performed principal research, writing, and review.

Commissioner leads for this report were Commissioners Peter Kirsanow and Mondaire Jones. Commissioners Kirsanow and Jones and their Special Assistants, Carissa Mulder and Irena Vidulovic (respectively), assisted with the research plan and reviewed drafts. Commissioners' Special Assistants Nathalie Demirdjian-Rivest, Thomas Simuel, Stephanie Wong, and Yvesner Zamar assisted their commissioners in reviewing the report.

The Commission's General Counsel David Ganz and Attorney-Advisors Sheryl Cozart and Pilar Velasquez McLaughlin reviewed and approved the report for legal sufficiency.

OCRE interns Julian Applebaum (MPhil 2025, University of Oxford), Lauren Berg (B.S. Candidate 2026, Pennsylvania State University, Abington), Gurnasib Rataul (B.S. Candidate 2026, George Washington University), Jayce Sibley (B.A. Candidate 2026, Stanford University), Ren Szabo (B.A./B.S. Candidate 2026, University of Texas at Dallas), and John Ward (B.A. Candidate 2027, American University), and Commissioner interns Michelle Baldarama (B.A. Candidate 2026, Harvard College) and Jack Kelly (B.A. Candidate 2026, Harvard College) offered research assistance.

[*This page is intentionally left blank*]

EXECUTIVE SUMMARY

Multiple indicators suggest antisemitism is rising across the globe.[1] While many factors inform our understanding of this trend, prominent ones include major geopolitical events,[2] proliferating online extremist ideologies,[3] and the normalization of conspiracy narratives in public discourse.[4] In the United States, college and university[5] campuses have been particularly salient sites of reported antisemitism, especially in the wake of the Hamas terrorist attack in Israel on October 7, 2023. That attack and the subsequent war between Israel and Hamas in Gaza sparked widespread protests on U.S. campuses.[6] The disputes that followed—related to political expression about the Israeli-Palestinian conflict in the Middle East, the role of the United States in that conflict, and instances of clear and troubling anti-Jewish animus[7]—created complex challenges for colleges and universities seeking to balance their commitments to free speech and academic freedom with their legal obligations and institutional commitments to provide educational environments free from discrimination. These disputes also raised questions about whether and how the federal government could most effectively respond to campus antisemitism.

The developments on college and university campuses, as well as the federal response to them, raise important civil rights concerns for several reasons. First, Title VI of the Civil Rights Act of 1964 (CRA) provides protections from discrimination for all students at educational institutions receiving federal funding; these protections extend to students of Jewish and Israeli ancestry.[8] It is thus a central concern of the federal government to investigate claims of campus antisemitism and use the tools at its disposal to uphold the antidiscrimination aims of Title VI when and where such action is legal and warranted. Second, antisemitism poses a threat not only to Jewish communities but also to American democracy as a whole, threatening to simultaneously undermine civil rights for Jewish Americans and destabilize the rule of law for all U.S. residents. As Amy Spitalnick,

---

[1] Center for the Study of Contemporary European Jewry and the Irwin Cotler Inst., Tel Aviv Univ., *Antisemitism Worldwide Report for 2025*, Apr. 2026, https://cst.tau.ac.il/antisemitism-worldwide-report-for-2025/.
[2] Hope D. LaFreniere Tamez, Natalie Anastasio, and Arie Perliger, "Explaining the Rise of Antisemitism in the United States," *Studies in Conflict & Terrorism*, 2024, vol. 46, no. p. 6, https://doi.org/10.1080/1057610X.2023.2297317.
[3] Heidi Beirich, "Antisemitism Rising Among American Right-Wing Extremists," Institute for National Security Studies, Jan. 21, 2021, https://www.inss.org.il/publication/antisemitism-rising-among-american-right-wing-extremists/.
[4] Jacob S. Lewis, "Conspiracy and Antisemitism in Contemporary Political Attitudes," *Political Research Quarterly*, 2025, vol. 78, no. 2, https://journals.sagepub.com/doi/abs/10.1177/10659129251318350.
[5] Throughout this chapter and report, the terms "university/ies," college/s," and "school/s" are used interchangeably to refer to (postsecondary) institutions of higher education, unless otherwise noted; the nine universities that make up the Commission's sample in this report are referred to as "sample universities."
[6] *See infra* notes 178-188 (discussing campus protests).
[7] While this report focuses on antisemitism, it is important to note that reports also indicate a rise in anti-Muslim and anti-Palestinian animus on college campuses since October 7, 2023; *see, e.g.,* Council on American-Islamic Relations, *Fatal; The Resurgence of Anti-Muslim Hate*, 2024, https://islamophobia.org/wp-content/uploads/2024/04/2024_Fatal_The_Resurgence_of_Anti-Muslim_Hate-1.pdf.
[8] 42 U.S.C. § 2000d. *See also, infra* notes 304-327 (discussing Title VI protections for students of Jewish ancestry.)

CEO of the Jewish Council for Public Affairs, told the Commission, antisemitic conspiracy theories "not only . . . fuel hate against Jews but also . . . sow division and distrust[,] . . . pitting communities against one another, and undermining trust in our democratic institutions" by falsely invoking "some shadowy cabal [that] control[s] them."[9] As that trust is undermined "the conditions for antisemitism to further thrive" are amplified.[10] To address these concerns, the Commission unanimously voted on January 17, 2025 to investigate both the federal response and the response by academic institutions to the recent rise in claims of antisemitic incidents on American college and university campuses. This bipartisan investigation, led by Commissioners Peter Kirsanow and Mondaire Jones, updates and expands upon the Commission's 2006 report, *Campus Anti-Semitism*,[11] which helped raise awareness that in 2004 the federal government began conducting Title VI investigations to cover the category of Jewish ancestry alongside other categories protected by the statute.[12]

During its February 2026 briefing, *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response*, the Commission heard testimony about a range of issues relating to campus antisemitism. This included testimony from legal experts on Title VI and the First Amendment, current and former federal officials from the Department of Education (ED) and the Department of Justice (DOJ), and policy experts on antisemitism and education from advocacy organizations and think tanks. It also included testimony from Jewish students, who spoke about their experiences of campus antisemitism and its effects on their education and well-being. One student spoke of how her "campus felt deeply divided [and] some classmates and friends said or posted things that made me uncomfortable, using rhetoric that dehumanized Israeli civilians or drifted into antisemitic undertones."[13] Another Jewish student said she was told: "You are a Zionist, you are part of the KKK."[14] Still another said her "freshman dorms [were vandalized] with swastikas."[15]

Antisemitic incidents on campuses have taken many forms in recent years, including harassment, vandalism, threats of violence, exclusion from campus activities, and antisemitic rhetoric

---

[9] Amy Spitalnick, CEO, Jewish Council for Public Affairs, written statement for *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response,* Briefing Before the U.S. Commission on Civil Rights, Washington, D.C. Feb. 19, 2026, p. 2 [hereinafter *Antisemitism Briefing*] [hereinafter Spitalnick statement].
[10] Ibid.
[11] U.S. Commission on Civil Rights, *Campus Anti-Semitism*, July 2006, https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf.
[12] *See* Kenneth L. Marcus, *The Landmark Case of Shaare Tefila v. Cobb*, 25 Fed. Soc. Rev. 17 (2024), https://fedsoc.org/fedsoc-review/the-landmark-case-of-shaare-tefila-v-cobb. *See also,* Kenneth Marcus, Chairman and CEO, Louis D. Brandeis Center for Human Rights Under Law, testimony, *Antisemitism Briefing,* pp. 239-240 [hereinafter Marcus testimony].
[13] Tova Kaplan, Harvard student, written statement, *Antisemitism Briefing*, p. 2 [hereinafter Kaplan statement].
[14] Adira Fogelman, California Polytechnic State University San Luis Obispo student, written statement, *Antisemitism Briefing*, p. 3 [hereinafter Fogelman statement].
[15] Ellie Sweet, American University student, written statement, *Antisemitism Briefing*, p. 1 [hereinafter Sweet statement].

expressed in person and online.[16] The increase in antisemitic incidents on campuses since October 7, 2023 rekindled concerns about the safety and inclusion of Jewish students in higher education.[17] Despite the continued need for more robust and representative data, as discussed in detail in Chapter 1,[18] multiple organizations have worked to document this impact. For example, the American Jewish Committee (AJC) reported in a 2024 survey that more than 35% of American Jewish college students reported experiencing antisemitism at least once during their time on campus. [19] About half (48%) of Jewish college students in their sample reported feeling uncomfortable or unsafe at a campus event because they are Jewish; avoided wearing, carrying, or displaying things that could identify them as Jewish; or avoided expressing views on Israel on campus or with classmates because of fears of antisemitism.[20]

Many claims about on-campus antisemitic incidents emerged during protests over the Israeli-Palestinian conflict. Notably, some campuses, such as the University of California, Los Angeles (UCLA), experienced violent interactions between demonstrators and counterdemonstrators over student encampments.[21] However, while media narratives frequently portrayed campus protests as violent and chaotic, violence was generally rare, and the overwhelming majority of protests nationwide (97%) occurring from October 7, 2023 to May 2024 were peaceful.[22] Still, the concerning rise in reported incidents raised important questions about what actions college and university administrators, as well as federal officials, were taking to ensure students' safety. From 2021-2024, ED's Office for Civil Rights (OCR) under the Biden administration opened 56 Title VI investigations into schools where students reported incidents of antisemitism.[23] OCR also released guidance and Dear Colleague Letters advising schools on their federal civil rights

---

[16] *See, e.g.,* Anti-Defamation League, *Audit of Antisemitic Incidents 2024*, Apr. 22, 2025, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024; Community Security Trust, "Categories of Antisemitic Incidents," https://cst.org.uk/public/data/file/f/2/Categories%20of%20antisemitic%20incidents.pdf; Campus for All, "Campus Antisemitism Data Interactive: 2023–2024," https://campus4all.org/data-interactive/2023-2024/ (accessed Mar. 9, 2026); Campus for All, "Campus Antisemitism Data Interactive: 2024–2025," https://campus4all.org/data-interactive/2024-2025/ (accessed Mar. 9, 2026).

[17] *See infra* notes 55-59.

[18] Despite the importance of this data, several methodological issues reveal the need for further, more representative studies; *see infra* notes 247-249, 257-262 (discussing data collection and methodology).

[19] *See* Holly Huffnagle, *The State of Antisemitism in America 2024: Insights and Analysis*, American Jewish Committee, https://www.ajc.org/AntisemitismReport2024/InsightsandAnalysis.

[20] Ibid.

[21] Safi Nazzal, Teresa Watanabe, Ashley Ahn, Hannah Fry, and Richard Winton, "After Violent Night at UCLA, Classes Cancelled, UC President Launches Investigation into Response," *Los Angeles Times*, May 1, 2024, https://www.latimes.com/california/story/2024-04-30/ucla-moves-to-shut-down-pro-palestinian-encampment-as-unlawful.

[22] Bianca Ho and Kieran Doyle, "US Student Pro-Palestine Demonstrations Remain Overwhelming Peaceful," Armed Conflict Location & Event Data (ACLED), May 10, 2024, https://acleddata.com/brief/us-student-pro-palestine-demonstrations-remain-overwhelmingly-peaceful-acled-insight.

[23] U.S. Dep't of Education, Office for Civil Rights, "Discrimination Based on Shared Ancestry or Ethnic Characteristics," https://www.ed.gov/laws-and-policy/civil-rights-laws/title-vi/title-vi-key-issues/discrimination-based-shared-ancestry-or-ethnic-characteristics (accessed Apr. 20, 2026).

obligations.[24] In addition, OCR created a dedicated Title VI website documenting new investigations, offered technical assistance presentations for thousands of stakeholders, and had its leadership regularly attend the Biden administration's Interagency Policy Committee to discuss antisemitism at educational institutions.[25] The administration also developed a national strategy to counter antisemitism, outlining a range of policy proposals to "increase awareness and understanding of antisemitism," "improve safety and security for Jewish communities," "reverse the normalization of antisemitism and counter antisemitic discrimination," and "build cross-community solidarity and collective action to counter hate."[26]

Under the second Trump administration, a series of initiatives—supported by Executive Orders issued during both the first and second Trump administrations[27]—were launched to address campus antisemitism. These included establishing an interagency antisemitism task force among the civil rights offices of DOJ, ED, and the U.S. Department of Health and Human Services (HHS)[28]; opening Title VI investigations; issuing enforcement letters to 60 higher education institutions; departing from prior executive branch approaches (which aimed for voluntary resolutions) by uniquely withdrawing or pausing federal funding to multiple colleges and universities in response to hostile environment allegations;[29] achieving settlement[30] agreements with colleges and universities mandating policy changes in response to prior antisemitic incidents;[31] and requiring multiple schools to sign negotiated education compacts governing

---

[24] For an overview of these documents, *see*, U.S. Dep't of Education, "Discrimination Based on Shared Ancestry or Ethnic Characteristics"; *see also*, *infra* notes 836-856 (discussing ED OCR guidance).
[25] Mathew Nosanchuk, former Deputy Assistant Secretary for Strategic Operations and Outreach, Office for Civil Rights, U.S. Dep't of Education, written statement, *Antisemitism Briefing*, p. 4 [hereinafter Nosanchuk statement].
[26] White House, "The U.S. National Strategy to Counter Antisemitism," May 2023, https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf.
[27] Combating Anti-Semitism, Exec. Order No. 13899, 84 Fed. Reg. 68779 (Dec. 11, 2019) https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism; Additional Measures to Combat Anti-Semitism, Exec. Order No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025) https://www.whitehouse.gov/presidential-actions/2025/01/additional-measures-to-combat-anti-semitism/.
[28] U.S. Dep't of Justice, "Justice Department Announces Formation of Task Force to Combat Anti-Semitism," Feb. 3, 2025, https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism.
[29] *See, e.g.,* U.S. Dep't of Health and Human Services, "DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth $400 Million," Mar. 7, 2025, https://www.hhs.gov/press-room/task-force-cancels-columbia-university-grants.html. *See also, infra* notes 337-416 (discussing hostile environment allegations in the campus antisemitism context).
[30] Resolution agreements—discussed further in Chapter 4—typically consist of a voluntary compliance plan OCR enters with an educational institution after finding a potential violation, requiring specific corrective actions and often without an admission of wrongdoing; *see* U.S. Dep't of Education, Office for Civil Rights, Case Processing Manual, Feb. 19, 2025, https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf (accessed May 19, 2026). Settlement agreements typically resolve a complaint before or during investigation and can impose broader obligations beyond the original scope of the complaint; for some examples, *see infra* notes 976, 1007.
[31] *See, e.g.,* Columbia University, "Our resolution with the Federal Government," https://president.columbia.edu/content/our-resolution-federal-government; U.S. Dep't of Justice, "The United States Announces Agreement with Northwestern University," Nov. 28, 2025, https://www.justice.gov/opa/pr/united-states-announces-agreement-northwestern-university.

academic policy in exchange for preferential access to federal funding.[32] The speed, breadth, and variability of these responses underscore the need to study their effectiveness in addressing campus antisemitism and upholding civil rights, while protecting academic freedom and First Amendment rights.

To investigate the scope and effectiveness of this federal response, the Commission sent interrogatories and document requests to the civil rights offices at DOJ, ED, and HHS, requesting data on Title VI claims, investigations, resolution agreements, settlement agreements, and any other relevant investigatory and enforcement proceedings.[33] As of July 2026, the Commission has not received any of the requested information or documents from ED, DOJ, or HHS, nor responses to follow-up attempts.[34] Interrogatories and document requests were also sent to nine public and private universities[35] requesting data on antisemitic incidents, Title VI claims and investigations, and policies, procedures, and codes of conduct. The data were analyzed by the Commission's Office for Civil Rights Evaluation staff and are discussed herein.

The Commission's investigation identified that colleges and universities faced significant challenges in responding to antisemitism on campuses. First, the Commission's detailed examination of information from the nine sample universities showed that processing and assessing Title VI antisemitism claims can be slow and opaque for complainants and institutions alike. Second, it illuminates that colleges and universities often report uncertainty about how to distinguish between protected political speech and unlawful harassment. Third, the investigation found that institutions' inconsistent reporting of campus incidents, combined with limited data collection, make it difficult to assess the scope and nature of antisemitism across higher education.

While institutional responses were often lacking or faced administrative and information hurdles, students, faculty, and legal experts have also expressed concern that some such responses may chill lawful speech or academic debate. For example, panelists at the Commission's briefing conveyed concerns about federal enforcement actions involving the withdrawal or suspension of federal

---

[32] *See, e.g.,* The White House, X Post, Feb. 5, 2026, https://x.com/WhiteHouse/status/2019387875586904370; Miranda Jeyaretnam, "What to Know about Trump's Funding 'Compact' for Colleges," *Time*, Oct. 14, 2025, https://time.com/7325448/trump-higher-education-universities-compact-dei-gender-academic-federal-funding/; Mary Cunningham, "White House Asks 9 Universities to Sign Agreement to Ensure Access to Grants and Other Federal Benefits," *CBS News*, Oct. 2, 2025, https://www.cbsnews.com/news/white-house-nine-universities-compact-federal-funds/.

[33] The Commission's enabling statute authorizes it to use discovery requests such as interrogatories and requests for production of documents and requires other federal agencies to comply with such requests. *See* 42 U.S.C. § 1975b(e) ("All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties").

[34] ED and DOJ did send representatives to testify at the Commission's February briefing. These representatives did not provide or agree to provide the requested data in their written statements, any other submitted materials, or in their responses to Commissioner questions at the briefing.

[35] Cornell University; Rutgers University; Vanderbilt University; the University of North Carolina at Chapel Hill; Washington University in St. Louis; the University of Minnesota, Twin Cities; Arizona State University; Stanford University; and the University of California, Los Angeles.

funding in connection with Title VI compliance, which some courts later reversed.[36] Another challenge panelists cited is the diminished administrative capacity of ED's OCR to thoroughly investigate claims of antisemitism and monitor campus antisemitism following staff reductions and funding cuts.[37] Additionally, Title VI law pertaining to antisemitism claims is subject to ongoing litigation. While overt instances of hostility to people of Jewish ancestry are unquestionably prohibited and rightfully condemned, more complex cases regarding anti-Zionist or anti-Israeli rhetoric and protest activity, for example, are highly context-specific and still being adjudicated by the courts. Thus far, courts have affirmed First Amendment protections and distinguished between political speech and conduct motivated by animus at a protected group under Title VI (such as Jewish students).[38] These issues are discussed in more detail in Chapters 2 and 4.

This report proceeds as follows. Chapter 1 overviews the problem of contemporary campus antisemitism against the backdrop of the social and historical context that informs it. After a general introduction, the chapter briefly defines antisemitism before providing a review of key scholarship on the primary drivers of antisemitism and information on sites where antisemitic incidents most frequently occur. It then considers the socio-political landscape surrounding campus protests after October 7, 2023, and reviews available data on protests and encampments to clarify the picture of the events contributing to claims of campus-based antisemitic conduct in recent years. With this background established, the chapter examines nationwide data on campus antisemitic incidents from 2021-2025. It also explores the limits to existing data on campus-based antisemitic incidents and indicates how and where more robust information and methodological approaches would help inform and improve federal and educational responses. Chapter 1 closes with a review of several scholarly definitions of antisemitism that have gained prominence in policymaking discussions in recent years and a note on this report's methodology.

Chapter 2 considers Title VI, the primary legal mechanism available to the federal government to address educational discrimination claims and that imposes obligations on institutions in receipt of federal funding. To do so, the chapter first examines the history of Title VI, which was initially enacted to effectuate school desegregation in the wake of the U.S. Supreme Court's decision in *Brown v. Board of Education* (1954). As the chapter shows, the statute's application to discrimination at educational institutions emerged decades later, and its application to campus contexts involving protests is a recent development since October 7th. With this background

---

[36] *See infra* note 926.
[37] Spitalnick statement, p. 3; Linda Mangel, former Enforcement Director at the Office for Civil Rights, U.S. Dep't of Education, testimony, *Antisemitism Briefing*, p. 124 [hereinafter Mangel testimony]; Beth Gellman-Beer, Partner, Evergreen Education Solutions and former Regional Director, Philadelphia Office, Office for Civil Rights, U.S. Dep't of Education, written statement, *Antisemitism Briefing*, p. 2 [hereinafter Gellman-Beer statement]; Mathew Nosanchuk, former Deputy Assistant Secretary for Strategic Operations and Outreach, Office for Civil Rights, U.S. Dep't of Education, testimony, *Antisemitism Briefing*, p. 117 [hereinafter Nosanchuk testimony].
[38] *See infra* notes 349-358.

established, the chapter turns to a legal analysis of Title VI. The statute provides that no person "shall, on the ground of race, color, or national origin, be excluded from participation in, be denied benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."[39] To understand the legal framework governing how this statute is applied to claims of campus antisemitism, the chapter considers the meaning of protected characteristics (i.e., race, color, or national origin) and what it means for a college or university to "subject[] [its students] to discrimination."[40] It also explores how the First Amendment occupies a significant role in the governing legal framework for evaluating antisemitism claims. The chapter's final section examines the procedures that Congress requires federal departments and agencies[41] to follow in enforcing Title VI's prohibition on certain types of discrimination as well as the role of resolution agreements in addressing antisemitism claims.

Chapter 3 provides one of the first detailed federal examinations of university processes and procedures for addressing campus antisemitism following October 7, 2023. The chapter offers an analysis of a sample of nine universities selected to provide an in-depth examination of campus-based antisemitic incidents and the ways in which these academic institutions have addressed them. Using a sample of universities allows for a detailed examination of the complex interactions between federal agencies, school administrators, and legal issues that contextualize both campus antisemitism and effective efforts to combat it. The sample universities in this report are geographically diverse, a mix of public and private institutions,[42] vary by size, and have relatively substantial Jewish student populations.[43] The sample universities are: Cornell University; Rutgers University; Vanderbilt University; the University of North Carolina at Chapel Hill; Washington University in St. Louis; the University of Minnesota, Twin Cities; Arizona State University; Stanford University; and the University of California, Los Angeles.

In the study period, the sample universities received bias complaints related to antisemitism for a range of incidents. Many bias complaints were linked to protest activity, which increased in the months after October 7, 2023. The largest share of complaints related to seeing antisemitic messages or objects. Some of these visual objects were overtly antisemitic, such as a drawn swastika, and others were protected speech that could still be offensive depending on the context, such as pro-Palestine messages. The sample universities rarely found that a complaint reached the

---

[39] 42 U.S.C. § 2000d.
[40] Ibid.
[41] With respect to references to the Executive Branch, the terms "departments" and "agencies" are used interchangeably in this report unless otherwise noted.
[42] For more on the different legal obligations of public vs. private universities, *see infra* notes 529-533.
[43] It is important to note that it is not precisely clear how a large Jewish student population on campus has impacted levels of antisemitism in the past half-decade. Recent research on ethnoreligious minority group targeting—particularly as it pertains to campus environments—is unclear for this specific issue. *See, e.g.*, Ayal Feinberg, "Explaining Ethnoreligious Minority Targeting: Variation in U.S. Anti-Semitic Incidents," *Perspectives on Politics*, 2020, vol. 18, no. 3, https://www.researchgate.net/publication/339053611_Explaining_Ethnoreligious_Minority_Targeting_Variation_in_US_Anti-Semitic_Incidents.

level of a Title VI violation, yet they still provided corrective and supportive measures to the involved parties. Chapter 3 considers the various ways that universities responded to increased reports of antisemitic discrimination and harassment and details each university's interactions with OCR for antisemitism claims. Eight of the nine sample universities experienced at least one complaint made to OCR regarding antisemitism and/or anti-Palestinian discrimination between academic year (AY) 2021-2022 and 2024-2025. During this period, several universities in the sample entered into resolution agreements with OCR to close investigations, two universities faced a loss of federal funding over antisemitism allegations, and other investigations remain pending. As a whole, this chapter illustrates the varied ways universities responded to allegations of campus antisemitism while highlighting the evolving role of federal oversight in assessing institutional compliance with Title VI.

Chapter 4 examines the three federal agencies principally responsible for enforcing Title VI at educational institutions—ED, DOJ, and HHS—and the authority and obligations each carries to address discrimination at educational institutions, including antisemitism. In addition, the chapter looks at the initiatives and enforcement actions undertaken by ED, DOJ, and HHS from 2021-2025, as well as by a unique multiagency Task Force to Combat Anti-Semitism established in 2025 to oversee efforts to address antisemitism. The chapter begins with ED, whose Office for Civil Rights has been the primary agency responsible for enforcing federal civil rights laws in primary, secondary, and postsecondary schools. It overviews OCR's investigatory process for antisemitism claims in educational settings, collates available information on open and resolved cases from 2021-2025,[44] and examines the enforcement mechanisms available to the department as well as recent developments in the department's application of those mechanisms. The chapter also considers the impact of large-scale firings at ED on the department's ability to address and monitor campus antisemitism claims and protect Jewish students.[45]

Chapter 4 then turns to a consideration of the Justice Department and its oversight and coordination of all federal agencies' obligations under Title VI. The chapter documents the recent shift under the second Trump administration toward the centralization of Title VI investigations and consolidation of civil rights enforcement activity in DOJ, particularly through the Task Force to Combat Anti-Semitism, which appears to have coordinated much if not all such federal actions since its inception in 2025.[46] The chapter also overviews DOJ's Title VI enforcement options, including litigation and the pause or termination of funding, and considers the Trump

[44] Available data on open and resolved cases from OCR is limited; *see infra* notes 882-896.
[45] Michael C. Bender and Dana Goldstein, "Education Department Fires 1,300 Workers, Gutting Its Staff," *New York Times*, Mar. 11, 2025, https://www.nytimes.com/2025/03/11/us/politics/trump-education-department-firings.html.
[46] The precise authority and activity of the Task Force has not been made clear from public documentation by DOJ and must be inferred from press releases and legal actions; *see* U.S. Dep't of Justice, "Justice Department Announces Formation of Task Force to Combat Anti-Semitism," Feb. 3, 2025, https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism. For more on the Task Force's central role, *see infra* notes 932-948.

administration's relatively novel use of funding termination in response to claims of antisemitic discrimination. Finally, Chapter 4 describes the Trump administration's unique use of HHS to coordinate Title VI investigations into some universities.

A key contribution of Chapter 4 is the Commission's attempt to provide a comprehensive look at Title VI antisemitism cases opened and resolved from 2021-2025.[47] However, significant constraints hindered the Commission's ability to fully ascertain this information, including outdated federal websites;[48] the lack of response from ED, DOJ, and HHS to the Commission's interrogatories and document requests; and the dearth of information currently offered (as of the writing of this report) by these agencies about both ongoing and closed Title VI antisemitism investigations as well as resolution agreements. Taken as a whole, the chapter shows that strengthening federal coordination, improving transparency in civil rights enforcement, adequately staffing civil rights offices, expanding data collection on campus climate and incidents of antisemitism, and supporting colleges and universities in developing clear and consistent policies are all critical elements of an improved federal response to campus antisemitism.

Campus antisemitism is a significant civil rights concern that warrants serious federal and educational attention. This report aims to provide a rigorous and independent assessment of campus antisemitism, the obligations of higher education institutions and federal agencies to address it, and the adequacy of the responses to date. The Commission expects this report to serve as a meaningful contribution to the ongoing effort to protect the civil rights of Jewish students, faculty, and staff, as well as all students, faculty, and staff, in American higher education.

[47] *See infra* Tables 4.1-4.4.
[48] *See infra* notes 886-887.

[*This page is intentionally left blank*]

CHAPTER 1: Introduction and Overview

Antisemitism has been a feature of American social, political, and educational life for over a century. [49] Throughout the nation's history, antisemitism has taken a number of forms, from the religious persecution of Jewish people to conspiracy theories about the structure of economic and political power to discrimination in federal immigration policy, the workplace, neighborhoods, and schools.[50] The Hamas terrorist attack of October 7, 2023 sparked concerns about a global rise in antisemitism. After Hamas killed approximately 1,200 individuals in Israel and abducted more than 250 hostages,[51] Israeli forces conducted extensive military operations in Gaza, which resulted in the killing of tens of thousands of Palestinian civilians.[52] Although antisemitism was already increasing in the United States prior to October 7th, data suggest antisemitic incidents surged in the aftermath and remained at heightened levels for years following the attack.[53]

American colleges and universities have sometimes been highly visible sites of antisemitism,[54] including in the past half-decade (2021-2025), which saw an increase in reported incidents of

---

[49] On the history and changes in the use of "antisemitism," *see* Gavin I. Langmuir, *Toward a Definition of Antisemitism* (Berkeley: University of California Press, 1996) and Mark Mazower, *On Antisemitism: A Word in History* (New York: Penguin Press, 2025). For how this report uses and understands the term "antisemitism," see the section, "Defining Antisemitism."

[50] *See* Leonard Dinnerstein, *Antisemitism in America* (New York: Oxford University Press, 1995) and Susannah Heschel, "Antisemitism in America," in *The Oxford Handbook of American Jewish History*, ed. Shari Rabin and Michael R. Cohen (New York: Oxford University Press, 2026). Note: unless otherwise specified, "schools" in this report refers to college and universities.

[51] Daniel Byman, Riley McCabe, Alexander Palmer, Catrina Doxsee, Mackenzie Holtz, and Delaney Duff, "Hamas's October 7 Attack: Visualizing the Data," Center for Strategic & International Studies, Dec. 19, 2023, https://www.csis.org/analysis/hamass-october-7-attack-visualizing-data; Associated Press, "How Many Hostages Are Left in Gaza?," Mar. 18, 2025, https://apnews.com/article/israel-palestinians-hamas-war-remaining-hostages-gaza-dbedb436b04fac1c790a794a4ef03853.

[52] Aosheng Pusztaszeri and Emily Harding, "The Aftermath of October 7: Regional Conflict in the Middle East," Center for Strategic & International Studies, Dec. 19, 2024, https://www.csis.org/analysis/aftermath-october-7-regional-conflict-middle-east; Neta C. Crawford, "The Human Toll of the Gaza War: Direct and Indirect Death From 7 October 2023 to 3 October 2025," Costs of War Project, Brown University, Watson School of International and Public Affairs, Oct. 7, 2025, https://costsofwar.watson.brown.edu/sites/default/files/2025-10/Human-Toll-in-Gaza_Costs-of-War_Crawford_7-October-2025.pdf.

[53] Anti-Defamation League, *Audit of Antisemitic Incidents 2023*, Apr. 16, 2024, https://www.adl.org/resources/report/audit-antisemitic-incidents-2023 (accessed Sept. 30, 2025); Anti-Defamation League, *Audit of Antisemitic Incidents 2024*, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024 (accessed Sept. 30, 2025); Federal Bureau of Investigation, "Hate Crimes in the United States Incident Analysis," FBI Crime Data Explorer, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime (accessed Jan. 12, 2026).

[54] "Campus antisemitism," is used in this report as a catch-all term to refer to antisemitic incidents and perceptions of antisemitism on college and university campuses. For information about colleges and universities as highly visible sites of antisemitism, *see* Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton* (New York: Houghton Mifflin, 2005); Valerie Strauss, "A Century Ago, Elite Universities Restricted Jewish Enrollment. They Created the Modern College Admissions Process," *Washington Post*, Nov. 13, 2023, https://www.washingtonpost.com/education/2023/11/13/how-restricting-jews-created-modern-college-admissions/; U.S. Commission on Civil Rights, *Campus Anti-Semitism*, July 2006, https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf.

antisemitism on campuses, particularly after October 7th.[55] This uptick coincided with student-led political protest and demonstration events related to the Israeli-Palestinian conflict on many campuses.[56] These events raised freedom of expression issues, and some included not only contentious political speech but acts of violence, vandalism, and intimidation targeting Jewish students, staff, and faculty members. College and university officials were faced with the challenge of determining when protected expression crossed the line into illegal discrimination, and significant questions arose about civil rights in American higher education.

Reports of both antisemitic discrimination on campuses and campus protests have been widely publicized in recent years, garnering significant attention from the media, Congress, and the Executive Branch.[57] Intense and sustained media attention has, in some cases, abstracted campus protests from the underlying events in the Middle East, allowing them to take on independent symbolic and political significance within U.S. domestic debates. As campus protests were incorporated into national partisan narratives, they were increasingly framed as evidence of broader moral or political failure, rather than evaluated in their specific institutional and factual contexts.[58] Such dynamics can make it more difficult to adjudicate claims of antisemitism accurately and effectively, as media amplification and polarized framing often substitute for context-specific examination.[59] Against this backdrop, the Commission's ability to gather systematic, institution-level data directly from a select number of universities is especially significant because it provides empirical grounding to a discourse otherwise dominated by selective anecdotes.

Much of the public debate about campus antisemitism has focused on the scope and consistency of the federal government's response. Legal experts, advocacy groups, and policymakers have examined whether federal civil rights law, and in particular Title VI of the Civil Rights Act of 1964 (CRA), provides the most effective framework for promoting safe and inclusive learning environments, as well as how the federal government should monitor and support both students

---

[55] *See, e.g.,* Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.
[56] Jay Ulfelder, "Crowd Counting Consortium: An Empirical Overview of Recent Pro-Palestine Protests at U.S. Schools," Ash Center for Democratic Governance and Innovation, Harvard Kennedy School, May 30, 2024, https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/.
[57] Ibid.; *see also,* Spencer Davis and Molly Bordoff, "Columbia Suspends Over 65 Students for Pro-Palestinian Protest in Butler Library," *Columbia Spectator*, May 12, 2025, https://www.columbiaspectator.com/news/2025/05/12/columbia-suspends-over-65-students-for-pro-palestinian-protest-in-butler-library/; U.S. House of Representatives, Committee on Education & the Workforce, Republican Staff Report, *Antisemitism on College Campuses Exposed*, Oct. 31, 2024, https://edworkforce.house.gov/uploadedfiles/10.30.24_committee_on_education_and_the_workforce_republican_staff_report_-_antisemitism_on_college_campuses_exposed.pdf; U.S. House of Representatives, *Staff Report on Antisemitism*, Dec. 18, 2024, https://www.speaker.gov/wp-content/uploads/2024/12/House-Antisemitism-Report.pdf.
[58] Neve Gordon, "The Weaponisation of Antisemitism: *The Jewish Chronicle* and the Production of a Moral Panic," *Media, Culture & Society*, 2025, vol. 48, no. 2, https://doi.org/10.1177/01634437251375360.
[59] Ibid.

and the institutions responsible for addressing these concerns.[60] To date, these debates have largely centered on the investigatory and enforcement powers of the federal government and how its authorities have been exercised across different administrations.

The Department of Education (ED) has been primarily responsible for opening investigations related to antisemitism under Title VI, which prohibits any institution that receives federal funds from discriminating on the basis of race, color, or national origin.[61] Both relevant presidential administrations in the period of this study (2021-2025) launched investigations into campus antisemitism.[62] During the Biden administration, ED released a number of Dear Colleague Letters advising schools on their federal civil rights obligations regarding antisemitic discrimination in educational settings. The administration also resolved dozens of Title VI antisemitism cases, which are further discussed in Chapter 4.[63] Further, the administration developed the *U.S. National Strategy to Counter Antisemitism* that outlined a range of policy proposals. ADL referred to the *National Strategy* as "critical to protect Jewish lives and push back on [] vile hate."[64] Recommended steps included calling on Congress to increase funding to ED OCR and providing technical assistance to schools—and a "whole-of-society" approach.[65] The second Trump administration also launched a series of initiatives to address campus antisemitism, including the development of a coordinating task force within the Department of Justice (DOJ),[66] the withdrawal or pausing of federal funding to colleges and universities,[67] settlement agreements mandating policy changes in response to prior antisemitic incidents,[68] and negotiations with schools to sign

---

[60] Benjamin Eidelson, Professor of Law, Harvard University, written statement, *Antisemitism Briefing*, p. 3 [hereinafter Eidelson statement]; Suzanne B. Goldberg and Olatunde C.A. Johnson, *Campus Crises and the Limits of Title VI*, 126 Colum. L. Rev. Forum 1 (2026).

[61] Civil Rights Act of 1964, Pub. L. 88-352, 78 Stat. 252; Catherine E. Lhamon, Office for Civil Rights, Department of Education, "Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," May 7, 2024, https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202405-shared-ancestry.pdf. *See also*, Chapter 2.

[62] *See infra* notes 215-216 (discussing estimates of OCR cases by administration); *see also*, *infra* Table 4.1.

[63] For an overview of these documents, *see* U.S. Dep't of Education, Office for Civil Rights, "Discrimination Based on Shared Ancestry"; for a full discussion of these guidance documents, as well as resolved antisemitism cases under the Biden administration, *see* Chapter 4.

[64] *See* Anti-Defamation League, "The National Strategy to Counter Antisemitism," https://www.adl.org/National-Strategy-antisemitism; Anti-Defamation League, "ADL Shapes White House National Strategy to Counter Antisemitism," https://www.adl.org/adl-shapes-white-house-national-strategy-counter-antisemitism.

[65] The White House, *The U.S. National Strategy to Counter Antisemitism*, May 2023, p. 6, https://bidenwhitehouse.archives.gov/wp-content/uploads/2023/05/U.S.-National-Strategy-to-Counter-Antisemitism.pdf.

[66] U.S. Dep't of Justice, Office of Public Affairs, "Justice Department Announces Formation of Task Force to Combat Anti-Semitism," Feb. 3, 2025, https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism.

[67] *See, e.g.,* U.S. Dep't of Health and Human Services, Press Office, "DOJ, HHS, ED, and GSA Announce Initial Cancellation of Grants and Contracts to Columbia University Worth $400 Million," Mar. 7, 2025, https://www.hhs.gov/press-room/task-force-cancels-columbia-university-grants.html.

[68] *See, e.g.*, Claire Shipman, "Our Resolution with the Federal Government," Office of the President, Columbia University, Jul. 23, 2025, https://president.columbia.edu/content/our-resolution-federal-government; U.S. Dep't of

education compacts governing academic policy in exchange for preferential access to federal funding.[69] The speed, breadth, and variability of the responses across administrations underscores the need to study how effective they have been at addressing antisemitism on campuses, upholding civil rights, and ensuring students experience safe campuses that support learning.

The debate about the effectiveness of the federal response has also involved contested views about the responsibilities and actions of colleges and universities. Responses from these institutions have been heterogeneous and evolving, with many frequently adjusting course in response to unfolding events. Most have tried multiple strategies and placed considerable emphasis on public-facing measures. For example, several institutions created task forces or committees to investigate campus antisemitism and to issue reports, policy proposals, and reviews of rules, procedures, and codes of conduct.[70] Others adopted specialized administrative offices to handle complaints of antisemitic incidents, revised their procedures for investigating and addressing such complaints, and modified or adopted definitions of antisemitism to inform school policy.[71] Overall, however, academic institutions have struggled to articulate clear and comprehensive campus-wide frameworks that consistently balance commitments to free expression, educational mission, and the safety of students and employees.

Highlighting these difficulties, Kevin Rachlin, Vice President of Government Relations for the Nexus Project, told the Commission:

> Part of what makes campus antisemitism so difficult to address is the genuine complexity of identifying what is antisemitic conduct. This challenge does not diminish the reality of antisemitism—it makes precision all the more essential. Getting this distinction right

---

Justice, Office of Public Affairs, "The United States Announces Agreement with Northwestern University," Nov. 28, 2025, https://www.justice.gov/opa/pr/united-states-announces-agreement-northwestern-university.

[69] *See* Josh Moody, "White House Floats Compact for Preferential Treatment," *Inside Higher Ed*, Oct. 2, 2025, https://www.insidehighered.com/news/government/science-research-policy/2025/10/02/white-house-floats-compact-preferential; Katherine Knott, "'N.Y. Times': Another Version of Trump's Higher Ed Compact in the Works," *Inside Higher Ed*, Jan. 22, 2026, https://www.insidehighered.com/news/quick-takes/2026/01/22/times-new-version-trumps-higher-ed-compact-works.

[70] *See* University of Pennsylvania, *University Task Force on Antisemitism Final Report*, May 20, 2024, https://antisemitism-action-plan.upenn.edu/sites/default/files/2024-05/University-Task-Force-on-Antisemitism-Report-with-Appendix_ada.pdf; Harvard University, *Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias Final Report*, April 29, 2025, https://www.harvard.edu/wp-content/uploads/2025/04/FINAL-Harvard-ASAIB-Report-4.29.25.pdf; Columbia University, Office of the President, "Combatting Antisemitism," https://president.columbia.edu/content/combatting-antisemitism (accessed March 12, 2026); Stanford University, Subcommittee on Antisemitism and Anti-Israeli Bias, *"It's in the Air": Antisemitism and Anti-Israeli Bias at Stanford*, May 31, 2024, https://news.stanford.edu/__data/assets/pdf_file/0033/156588/ASAIB-final-report.pdf.

[71] *See, e.g.,* Daniela Ospino Pallares, "Office of Institutional Equity Announces New Antidiscrimination and Harassment Policy," *Columbia Daily Spectator*, Sept. 25, 2024, https://www.columbiaspectator.com/news/2024/09/25/office-of-institutional-equity-announces-new-antidiscrimination-and-harassment-policy/.

> matters, because both under-identification and over-identification of antisemitism carry serious consequences.
>
> When antisemitism goes unidentified or unaddressed, Jewish students suffer real harm—they are excluded, threatened, and denied equal access to educational opportunities. But when the label "antisemitism" is applied too broadly—it discredits the very effort to combat antisemitism, chills constitutionally protected speech, alienates the potential allies that Jewish students need most, and erodes the First Amendment protections that safeguard every American's right to dissent.[72]

The Commission has previously examined college and university campuses as sites of antisemitism. In 2006, it released a report entitled *Campus Anti-Semitism*,[73] which collected testimony from representatives of several Jewish organizations to recount instances of campus antisemitism. For this report, Commission staff conducted independent research on the federal government's role in addressing antisemitic incidents and Title VI violations on college and university campuses. First, to supplement the lack of comprehensive and clear information about how colleges and universities have addressed campus antisemitism, the Commission chose to examine nine sample universities that are geographically diverse and include both public and private institutions.[74] Commission staff sent interrogatories to the sample universities requesting data on their policies and procedures, antisemitic bias complaints, and OCR investigations (detailed in Chapter 3).

Second, the Commission sent interrogatories to the civil rights offices within ED, DOJ, and the Department of Health and Human Services (HHS) requesting data on Title VI claims, investigations, resolution agreements, settlement agreements, and any other relevant investigatory and enforcement measures. However, none of these offices provided the requested information. Therefore, this report relies on publicly available data about actions taken by ED, DOJ, and HHS.

On February 19, 2026, the Commission hosted a briefing entitled *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response*. The briefing included experts on Title VI and free speech law; current and former federal officials from ED and DOJ; impacted students, faculty, and officials from academic institutions; and experts on

---

[72] Kevin Rachlin, Vice President of Government Relations for the Nexus Project, written statement, *Antisemitism Briefing*, p. 3 [hereinafter Rachlin statement].
[73] U.S. Commission on Civil Rights, *Campus Anti-Semitism*, July 2006, https://www.usccr.gov/files/pubs/docs/081506campusantibrief07.pdf.
[74] As discussed in *Rendell-Baker v. Kohn*, 457 U.S. 830, 837-843 (1982), private academic institutions, even when in receipt of federal funding, are not necessarily bound to fully adhere to the free speech protections granted by the First Amendment of the U.S. Constitution. However, through the prohibitions in Title VI, certain kinds of speech and other actions are regulated on private campuses. *See* Title VI, 42 U.S.C. § 2000d et seq. ("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.").

antisemitism and education from advocacy organizations and think tanks. Their testimony informs this report and is included throughout.

While it is clear that campus antisemitism is a serious problem, relevant data can be improved to enhance understanding of the issue and develop more effective responses to it. As detailed in prior Commission reports, tracking of bias incidents is complicated and often incomplete.[75] Counts of antisemitic incidents only include incidents that are reported, but studies suggest that many bias incidents go unreported.[76] To gain a clearer picture of the scope of the issue, optimal data collection involves validated surveys administered to random samples as well as data transparency. As such, current data on campus antisemitism is useful but would benefit from improvements. This report refers to the important work of organizations like ADL, Hillel International (Hillel), and the American Jewish Committee (AJC), along with information from federal and congressional committee reports. It also identifies areas for improving information quality.

Background and Historical Context: Antisemitism in the United States

Defining Antisemitism

In brief, antisemitism can be understood as "prejudice, hostility, or discrimination against Jewish people."[77] The term's definitions, however, have taken different forms throughout history, as various religious, political, and ethnic manifestations developed throughout Europe, Eurasia, the

---

[75] U.S. Commission on Civil Rights, *The Federal Response to Anti-Asian Racism in the United States*, Sept. 2023, https://www.usccr.gov/files/2023-10/fy-2023-se-report.pdf; U.S. Commission on Civil Rights, *In the Name of Hate: Examining the Federal Government's Role in Responding to Hate Crimes*, Nov. 2019, https://www.usccr.gov/reports/2019/name-hate-examining-federal-governments-role-responding-hate-crimes.

[76] For example, the National Crime Victimization Survey (NCVS) uses nationally representative data to estimate the number of hate crimes that occurred in the U.S., regardless of whether the crimes were reported to the police. Between 2015 and 2019, the NCVS estimates a total of about 158,770 religiously motivated hate crimes, whereas the corresponding total in the FBI data for these years is 8,427. Some of the difference between these numbers could reflect different definitions of what counts as a hate crime, but the large discrepancy suggests that the FBI data may significantly undercount the total number of religious hate crimes in the U.S. *See* Grace Kena and Alexandra Thompson, "Hate Crime Victimization, 2005-2019," Bureau of Justice Statistics, U.S. Department of Justice, Sept. 2021, https://bjs.ojp.gov/sites/g/files/xyckuh236/files/media/document/hcv0519_1.pdf; Tom W. Smith and Benjamin Schapiro, "Antisemitism in Contemporary America," in *American Jewish Year Book 2018*, vol. 118, eds. Arnold Dashefsky and Ira M. Sheskin (Springer, 2018) p. 126; *see also,* Frank S. Pezzella, Matthew D. Fetzer, and Tyler Keller, "The Dark Figure of Hate Crime Underreporting," *American Behavioral Scientist*, Jan. 28, 2019, https://doi.org/10.1177/0002764218823844. Additionally, surveys suggest that most individuals who experienced antisemitic incidents in 2024 and 2025 did not report it; *see* Holly Huffnagle, *The State of Antisemitism in America 2024: Insights and Analysis*, American Jewish Committee, https://www.ajc.org/AntisemitismReport2024/InsightsandAnalysis (finding that 78% of Jewish Americans who experienced antisemitism in 2024 did not report it); Anti-Defamation League, *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, Oct. 6, 2025, https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025 (finding that 74% of American Jews who experienced anti-Jewish discrimination did not report it).

[77] United States Holocaust Memorial Museum, "Antisemitism in History: Racial Antisemitism, 1875–1945," Holocaust Encyclopedia, https://encyclopedia.ushmm.org/content/en/article/antisemitism-in-history-racial-antisemitism-18751945 (accessed Sept. 30, 2025); *see also,* Oxford English Dictionary, s.v. "antisemitism," https://www.oed.com/dictionary/antisemitism_n?tab=meaning_and_use&tl=true (accessed Sept. 30, 2025).

Middle East, and the Euro-Atlantic worlds.[78] The term "antisemitism" itself is relatively recent, coming to describe a hatred of or prejudice toward Jewish people in the late 19th century.[79]

Scholars have continued to debate whether the term should be capitalized or hyphenated. Many experts and organizations, including ADL, warn against including a hyphen in "antisemitism" (i.e., anti-semitism) because it reifies the incorrect notion that Jewish people make up a racialized group identity that can be referred to as "Semites," whereas "Semites" technically refers to various peoples speaking a range of Middle Eastern languages with some similarities.[80] This report follows that recommendation and uses the spelling "antisemitism."

Scholars also identify different types of antisemitism. *Religious antisemitism* principally focuses on perceived problems with Judaism; *political antisemitism* largely on excluding Jewish people as potential members of different socio-political communities and states; *racial antisemitism* generally on discrimination against Jewish people based on perceived ethnic characteristics.[81] Each of these variants can overlap. Many scholars consider racial antisemitism to be a relatively recent phenomenon, becoming most prevalent during the rise of national socialism and the Nazi party in Germany in the 1930s and still continuing in various forms today.[82] As is discussed in Chapter 2, not all of these types of antisemitism are addressed by the nondiscrimination protections of Title VI. Finally, *campus antisemitism* is used in this report as a broad term to refer to a range of antisemitic incidents at colleges and universities.[83]

More expansive and example-driven definitions of antisemitism have also surfaced in discussions of campus antisemitism in recent years.[84] The International Holocaust Remembrance Alliance's

---

[78] United States Holocaust Memorial Museum, "Antisemitism in History: Racial Antisemitism." On European political antisemitism, *see* Richard S. Levy, "Antisemitism," in *The Oxford Handbook of Holocaust Studies*, ed. Peter Hayes and John K. Roth (Oxford: Oxford University Press, 2012), https://academic.oup.com/edited-volume/40208/chapter/342942060 (accessed Sept. 30, 2025). On early Christian antisemitism, *see* John G. Gager, *The Origins of Anti-Semitism: Attitudes Toward Judaism in Pagan and Christian Antiquity* (New York: Oxford University Press, 1983); David Nirenberg, *Anti-Judaism: The Western Tradition* (New York: W. W. Norton, 2013).

[79] United States Holocaust Memorial Museum, "Antisemitism in History: Racial Antisemitism."

[80] Anti-Defamation League, "Spelling: Antisemitism vs. Anti-Semitism," https://www.adl.org/spelling-antisemitism-vs-anti-semitism (accessed Sept. 30, 2025).

[81] United States Holocaust Memorial Museum, "Antisemitism," Holocaust Encyclopedia, https://encyclopedia.ushmm.org/content/en/article/antisemitism (accessed Sept. 30, 2025).

[82] Robert Bernasconi, "Racism," in *Key Concepts in the Study of Antisemitism*, ed. Sol Goldberg, Scott Ury, and Kalman Weiser (Cham: Palgrave Macmillan, 2021); *see also,* Hannah Arendt, *The Origins of Totalitarianism: With a New Introduction by Anne Applebaum* (New York: HarperCollins, 2024); *The Routledge History of Antisemitism*, ed. Mark Weitzman, Robert J. Williams, and James Wald (New York: Routledge, 2024). For the U.S. case, *see* Pamela S. Nadell, *Antisemitism: An American Tradition* (New York: Oxford University Press, 2021).

[83] On variations in the history and terminology of antisemitism, *see* Langmuir, *Toward a Definition of Antisemitism;* Mazower, *On Antisemitism: A Word in History*.

[84] In addition to the two definitions discussed here, a prominent third one responds directly to IHRA. The Jerusalem Declaration on Antisemitism (JDA) distinguishes between general types of antisemitism and those potentially occurring around Israel-Palestine debates; for the latter, it offers guidelines explaining when criticism of Israel or

(IHRA) "Working Definition of Antisemitism" was created in the mid-2000s to help researchers in Europe "compare the temperature of antisemitism over time and across borders."[85] The IHRA stresses prejudicial perceptions and stereotypes about Jewish people, rhetorical and/or physical hatred and hostility directed at Jewish people, Holocaust denial, and some types of criticism of Israel and Zionism.[86] The Nexus Document (Nexus) concurs with IHRA on some core aspects of antisemitism but contends that criticism of Israel or Zionism is not inherently antisemitic yet can become so under certain conditions.[87]

In 2016, the U.S. Department of State began using IHRA to monitor global antisemitism.[88] In 2019, President Trump's Executive Order 13899, "Executive Order on Combating Anti-Semitism," directed all executive agencies to "consider" IHRA in Title VI enforcement alongside a "detailed analysis" of any allegations;[89] in 2023, the Biden administration's *National Strategy to Counter Antisemitism* mentioned both IHRA and Nexus as "non-legally binding" tools for raising awareness of antisemitism.[90]

Panelists at the briefing discussed IHRA in relation to campus antisemitism. Carly Gammill of the nonprofit StandWithUS advocated for Congress to "codify IHRA into U.S. law" so that federal agencies enforcing Title VI "can better understand the nuances of the various forms of attack against Jewish identity," and Kenneth L. Marcus, President of the Brandeis Center, argued for IHRA's importance as a tool for federal officials to "assess discriminatory intent."[91] Both Dr. Mark Goldfeder and Yasmeen Ohebsion noted the increase in educational institutions adopting IHRA and emphasized that all colleges and universities should follow.[92] Conversely, in supplemental testimony Professor Benjamin Eidelson pointed out that the codification of IHRA would be "out

---

Zionism does and does not become antisemitic. *See* Jerusalem Declaration on Antisemitism, https://jerusalemdeclaration.org/ (accessed Sept. 30, 2025).

[85] Kenneth S. Stern, "A Bad Deal: By Adopting the IHRA Definition of Antisemitism, Universities are Sacrificing Academic Freedom," Knight First Amendment Institute, Columbia University, Sept. 5, 2025, https://knightcolumbia.org/content/a-bad-deal-why-using-the-ihra-definition-of-antisemitism-on-campus-is-incompatible-with-academic-freedom-and-students-right-to-open-inquiry.

[86] International Holocaust Remembrance Alliance, "Working Definition of Antisemitism," May 26, 2016, https://holocaustremembrance.com/resources/working-definition-antisemitism.

[87] Nexus Task Force, "The Nexus Document," June 2024, https://nexusproject.us/nexus-resources/the-nexus-document/.

[88] U.S. Dep't of State, Office of the Special Envoy to Monitor and Combat Antisemitism, "Defining Antisemitism," https://www.state.gov/defining-antisemitism (accessed May 17, 2026).

[89] Combating Anti-Semitism, Exec. Order No. 13899, 84 Fed. Reg. 68779 (Dec. 11, 2019) https://www.federalregister.gov/documents/2019/12/16/2019-27217/combating-anti-semitism.

[90] The White House, *The U.S. National Strategy to Counter Antisemitism*.

[91] Carly Gammill, Director of Legal Policy, StandWithUS, written statement, *Antisemitism Briefing*, pp. 8-9 [hereinafter Gammill statement]; Kenneth L. Marcus, Chairman and CEO, Louis D. Brandeis Center for Human Rights Under Law, written statement, *Antisemitism Briefing*, p. 4 [hereinafter Marcus statement]. Legislation has been proposed in both the House and Senate to codify IHRA; *see* Antisemitism Awareness Act of 2025, H.R. 1007, 119th Cong. (2025) and Antisemitism Awareness Act of 2025, S. 558, 119th Cong. (2025).

[92] Mark Goldfeder, CEO, National Jewish Advocacy Center and Assistant Clinical Professor of Law, written statement, *Antisemitism Briefing,* p. 2 [hereinafter Goldfeder statement]; Yasmeen Ohebsion, Founder and CEO, Our Campus United, written statement, *Antisemitism Briefing*, p. 3 [hereinafter Ohebsion statement].

of step with longstanding practice in civil rights law and [] depart from important norms of fairness between groups defined in terms of the same characteristic."[93] Professor Genevieve Lakier concurred that this "would create very grave First Amendment problems."[94] Kevin Rachlin of the Nexus Project argued that codifying IHRA would "create[] a framework of Jewish exceptionalism in civil rights law" that "singl[es] out one form of hatred for specialized legal treatment while other targeted communities receive no comparable protection."[95] Kenneth S. Stern, the creator of the IHRA definition, has also testified before Congress against IHRA's codification, underscoring that it was meant for data collection and not regulatory or legal purposes.[96]

Historical Context

Jewish people in the United States have faced antisemitism since the nation's founding.[97] In general, this prejudice tends to increase or decrease depending on the broader socioeconomic environment and geopolitical events. From the colonial period to the 1930s, antisemitism often consisted of Protestant religious discrimination against Judaism.[98] Although Jewish people largely achieved legal equality in the 18th century,[99] antisemitic prejudice and tropes remained common throughout early American history. Many of these negative characterizations reflected prejudiced beliefs and stereotypes popular for centuries in Europe; their recurrence reflected that fact that, excepting "the modern state of Israel, Jews have been a minority in essentially every nation in the world for centuries [and] [g]roups across history have propagated stereotypes to support acts of violence against the Jewish population."[100] Indeed, "people wishing to stigmatize Jews have a long history of material that can be marshalled to support their anti-Semitism."[101] On this same point, ADL notes that "[a]ntisemitism typically surges in times of political or economic uncertainty as well as rapid social change" and is "often used as a tool of political manipulation or populist

---

[93] Benjamin Eidelson, Professor of Law, Harvard University, supplemental testimony, p. 1 [hereinafter Eidelson supplemental] [on file].
[94] Genevieve Lakier, Professor of Law, University of Chicago Law School, testimony, *Antisemitism Briefing*, pp. 58-59 [hereinafter Lakier testimony].
[95] Rachlin statement, p. 9.
[96] Kenneth S. Stern, Director, Bard Center for the Study of Hate, written statement for *Antisemitic Disruptions on Campus: Ensuring Safe Learning Environments for All Students,* Hearing Before the U.S. Senate Committee on Health, Education, Labor and Pensions, 119th Congress, Mar. 27, 2025, https://www.help.senate.gov/imo/media/doc/06e69363-9e5d-54f9-8019-dbe95168b2a9/Stern%20Testimony.pdf.
[97] The term antisemitism can refer to the ideological motivations behind antisemitic acts, or the acts themselves. Generally, the latter are what the term is used to refer to in this section. In its annual *Audit of Antisemitic Incidents*, for example, ADL focuses on incidents and not the catch-all term "antisemitism." *See* Anti-Defamation League, *Audit of Antisemitic Incidents 2024*, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024 (accessed Sept. 30, 2025).
[98] Dinnerstein, *Antisemitism in America*.
[99] Jonathan D. Sarna, "Antisemitism in America, 1654–2020," in *The Cambridge Companion to Antisemitism*, Cambridge Companions to Religion, ed. Steven Katz (Cambridge: Cambridge University Press, 2022) p. 395.
[100] David R. Hodge and Stephanie Clintonia Boddie, "Anti-Semitism in the United States: An Overview and Strategies to Create a More Socially Just Society," *Social Work*, 2021, vol. 66, no. 2, p. 132 (internal citations omitted).
[101] Ibid.

anger…[i]n nearly every generation, centuries-old antisemitic stereotypes and myths are recycled."[102]

The early 20th century—an era of great social and economic change in the United States—saw antisemitism shift from a predominantly religious to a racialized prejudice.[103] In the decades that followed, immigration restrictions limited the number of Jewish people able to flee from Europe to the U.S.,[104] though antisemitism continued to increase. Jewish people residing in the country were excluded from social clubs, resorts, and neighborhoods,[105] and anti-Jewish discrimination at the time notably included limited access to institutions of higher learning.[106]

Antisemitism levels appeared to decrease in the early- to mid-twentieth century, following the horrors of the Holocaust, and continued to trend downward through the first decade of the 21st century.[107] In 2013, however, and again in 2016, ADL reported a new increase in antisemitic incidents.[108] Similarly, data from the Federal Bureau of Investigation (FBI) indicated a 37% rise in religion-based anti-Jewish hate crimes from 2016 to 2017.[109] A 2020 Pew study found that "Jewish Americans generally perceive a rise in antisemitism," with "more than nine-in-ten U.S. Jews surveyed saying that there is at least some" antisemitism in the U.S.[110] Key incidents, according to the study, included white nationalists chanting "Jews will not replace us" in Charlottesville, Virginia in 2017, and fatal shootings at synagogues in Pittsburgh, Pennsylvania (2018) and Poway, California (2019).[111]

---

[102] Anti-Defamation League, *Antisemitism Uncovered: A Guide to Old Myths in a New Era*, Mar. 20, 2024, https://antisemitism.adl.org/.
[103] Sarna, "Antisemitism in America;" Britt P. Tevis, "Antisemitism in US History," in *Oxford Research Encyclopedia of American History,* ed. Jane Dailey (New York: Oxford Academic, 2023) https://oxfordre.com/americanhistory/view/10.1093/acrefore/9780199329175.001.0001/acrefore-9780199329175-e-662.
[104] David S. Wyman, *American Refugee Policy and European Jewry, 1933–1945* (Bloomington: Indiana University Press, 1984).
[105] Sarna, "Antisemitism in America," p. 402; U.S. Department of State, Office of the Historian, "The Immigration Act of 1924 (The Johnson-Reed Act)," https://history.state.gov/milestones/1921-1936/immigration-act.
[106] Stephen Steinberg, *The Academic Melting Pot: Catholics and Jews in American Higher Education* (New York: McGraw-Hill, 1974); Jerome Karabel, *The Chosen: The Hidden History of Admission and Exclusion at Harvard, Yale, and Princeton*, (Boston: Houghton Mifflin, 2005).
[107] Leonard Dinnerstein, "Antisemitism in America: An Update, 1995–2012," *Journal for the Study of Antisemitism*, 2012, vol. 4, no. 2; *see also,* Jeffrey E. Cohen, "From Antisemitism to Philosemitism? Trends in American Attitudes toward Jews from 1964 to 2016," *Religions,* 2018, vol. 9, no. 4, https://doi.org/10.3390/rel9040107.
[108] Brent E. Sasley, "Good to Know: Antisemitism in America," *Good Authority*, May 23, 2019, https://goodauthority.org/news/good-to-know-antisemitism-in-america.
[109] Federal Bureau of Investigation, Hate Crime Statistics Annual Reports, FBI Crime Data Explorer, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads#datasets (accessed Apr. 15, 2026).
[110] Pew Research Center, "Anti-Semitism and Jewish Views on Discrimination," *Jewish Americans in* 2020, May 11, 2021, https://www.pewresearch.org/religion/2021/05/11/anti-semitism-and-jewish-views-on-discrimination/.
[111] Ibid.

Targets of Antisemitism

Anyone who is Jewish or perceived to be Jewish can be a target of antisemitism.[112] In the U.S., the size of the Jewish population is approximately 7.5 million, or 2.4% of the total population.[113] Pinpointing the exact size of the Jewish population is difficult because the census does not collect data on religious groups.[114] Additionally, the size of the Jewish population depends on how Jewish identity is defined. Some studies include only those who identify as Jewish when asked about their religious affiliation,[115] while others include individuals who self-identify as Jewish for reasons other than religion (e.g., were raised Jewish, have at least one Jewish parent, are culturally Jewish).[116]

Although identifying trends in the size of the Jewish population over time is difficult due to methodological differences in the surveys used to produce the estimates, various estimates suggest that the Jewish share of the U.S. population has remained relatively stable since 1990, with increases in the Jewish population keeping pace with increases in the overall U.S. population.[117]

Precise data about the proportion of college students who are Jewish nationwide is likewise unavailable, though many colleges and universities collect this information about their own students. The number of Jewish students varies widely across individual colleges and universities. According to Hillel International, in 2025, the institutions with the highest percentages of Jewish students were Tulane University (39%); CUNY, Brooklyn College (38%), Brandeis University (36%), Queens College (32%), and George Washington University (27%).[118]

Recent studies suggest a range of factors that influence who is most likely to be targeted by antisemitism. For instance, the location and level of religious observance can impact the likelihood of experiencing an antisemitic incident. In particular, religion-based anti-Jewish hate crimes are

---

[112] For example, the FBI Hate Crimes data includes incidents as hate crimes, "even if the offenders are mistaken in their perception the victim was a member of a certain group." *See* Federal Bureau of Investigation, "Hate Crime Statistics," https://www.fbi.gov/how-we-can-help-you/more-fbi-services-and-information/ucr/hate-crime (accessed Jan. 12, 2026).
[113] Pew Research Center, *Jewish Americans in 2020*.
[114] Jeff Diamant and Rebecca Leppert, "Why the U.S. Census Doesn't Ask Americans About Their Religion," Pew Research Center, Apr. 12, 2023, https://www.pewresearch.org/short-reads/2023/04/12/why-the-us-census-doesnt-ask-americans-about-their-religion/.
[115] Conrad Hackett, Marcin Stonawski, Yunping Tong, Stephanie Kramer, Anne Shi, and Dalia Fahmy, "Jewish Population Change," Pew Research Center, Jun. 9, 2025, https://www.pewresearch.org/religion/2025/06/09/jewish-population-change/.
[116] Hackett et al., "Jewish Population Change."
[117] *See, e.g.*, American Jewish Population Project, "U.S. Jewish Population Estimates 2020," Brandeis University, May 18, 2021, https://ajpp.brandeis.edu/us_jewish_population_2020; Pew Research Center, *Jewish Americans in 2020*; Ira M. Sheskin and Arnold Dashefsky, "United States Jewish Population, 2018," in *American Jewish Year Book 2018*, vol. 118, eds. Arnold Dashefsky and Ira M. Sheskin (Springer, 2018), pp. 251-347.
[118] Hillel International, "Top 60 Colleges by Jewish Population," https://www.hillel.org/top-60-jewish-colleges/ (accessed Apr. 15, 2026).

more likely to occur on weeks with Jewish holidays,[119] and evidence suggests that more observant Jewish people may be targeted due to displaying physical markers of their faith, such as wearing a yarmulke or payos (sidelocks or side curls worn by some Hasidic and Orthodox Jewish males).[120]

Research on whether the size of the Jewish population affects levels of antisemitism is mixed. Some studies suggest that areas with large, highly visible Jewish populations experience higher levels of antisemitic incidents.[121] However, at least one study finds that Jewish population concentration does not strongly affect levels of antisemitism, suggesting that Jewish people can be the targets of antisemitism whether or not they are in areas with large Jewish populations.[122]

Jewish spaces are often targets of antisemitic incidents. A 2020 study found that acts of antisemitic vandalism "frequently occur at institutional targets such as synagogues, Jewish schools, Jewish community centers, and Jewish cemeteries."[123] Anti-Jewish and antisemitic ideology is another factor. The same study found that while the "number of neo-Nazi groups operating within a state" varies widely, this can be a "significant factor" in determining how likely antisemitic incidents are to be committed.[124] Lastly, in the past decade foreign affairs in the Middle East have come to play a role in domestic expressions of antisemitism, as Jewish Americans can be more likely to experience targeting during conflicts involving the state of Israel.[125]

The period following October 7, 2023 was marked by heightened visibility of antisemitic harassment, vandalism, and violence, alongside growing feelings of insecurity among Jewish Americans. While methodologies and definitions vary across organizations, the overall pattern is one of elevated risk and substantial impact on everyday behavior. Further evidence suggests that where people live, how visible markers of their faith are, and their level of religious observance can shape exposure to antisemitism, underscoring the need for policy responses that address both individual incidents and the environments in which they occur.

---

[119] Ayal Feinberg, "Explaining Ethnoreligious Minority Targeting: Variation in U.S. Anti-Semitic Incidents," *Perspectives on Politics*, 2020, vol. 18, no. 3, https://doi.org/10.1017/S153759271900447X.
[120] Hodge and Boddie, "Anti-Semitism in the United States."
[121] Ibid.
[122] Feinberg, "Explaining Ethnoreligious Minority Targeting," p. 782.
[123] Ibid., p. 781.
[124] Ibid., p. 782.
[125] Ibid., p. 782; *see also,* Jeffrey E. Cohen "Did Antisemitism in Public Opinion Rise in the Wake of the Israel–Hamas War?" *Religions*, 2025, vol. 16, no. 10, https://doi.org/10.3390/rel16101255; Ayal Feinberg, "Homeland Violence and Diaspora Insecurity: An Analysis of Israel and American Jewry," *Politics and Religion*, 2020, vol. 13, no. 1, https://doi.org/10.1017/S1755048319000099. Note that this seems to be a more recent phenomenon, as prior conflicts involving Israel in the 1960s - early 2000s elevated levels of antisemitism "very, very little": Max Matza, "Who's Behind Recent Rise in US Anti-Semitic Attacks?" *BBC News*, May 28, 2021, https://www.bbc.com/news/world-us-canada-57286341.

Drivers of Antisemitism in the U.S.

It is difficult to determine what motivates antisemitic expressions and acts due to the variety of definitions of antisemitism.[126] Another challenge is that antisemitism has become politicized in the U.S., making it difficult to distinguish between hateful views and acts that are antisemitic, on the one hand, and those that politicians merely refer to as antisemitic in order to undermine their political opponents.[127] Additionally, the intensity of antisemitism matters for evaluations of its motivations: "counting antisemites," as one scholar puts it, is different than measuring antisemitism, as the former reflects virulent individual prejudice and hostility toward Jewish people (e.g., a neo-Nazi[128]) while the latter reflects the aggregate amount of antisemitic views that can be identified when a population is surveyed (e.g., individuals might recite antisemitic tropes but not display overt hostility to Jewish people or consider themselves to be anti-Jewish).[129]

Longstanding and robust scholarship continues to debate how to organize, analyze, and relate the history of anti-Jewish and antisemitic ideas and practices.[130] Some scholars argue that the broader "Jewish question"—i.e., the constellation of historical, social, political, religious, and ethnic questions surrounding Jewish people—has animated and shaped much of Western thought.[131] Chronologically, anti-Judaism and ethnic anti-Jewishness predated antisemitism.[132] Antisemitism is understood by scholars to be a relatively modern phenomenon, emerging in the 19th century and drawing on prior religious animus to connect it with a shifting mix of political, racial, and conspiratorial views.[133]

---

[126] Dov Waxman, David Schraub, and Adam Hosein, "Arguing About Antisemitism: Why We Disagree About Antisemitism, and What We Can Do About It," *Ethnic and Racial Studies*, 2022, vol. 45, no. 9, https://doi.org/10.1080/01419870.2021.1960407; Johannes Due Enstad, "Accounting for Contemporary Antisemitism: A Four-Dimensional Framework and a New Dataset," *Antisemitism Studies*, 2023, vol. 7, no. 1, https://doi.org/10.2979/antistud.7.1.02. For the changing shape of antisemitism, *see also,* Noah Feldman, "The New Antisemitism," *Time*, Feb. 27, 2024, https://time.com/6763293/antisemitism/.

[127] For an example from the political right, *see* Grace Panetta and Nicole Sganga, "How Republicans Turned Reports of Antisemitism at Colleges Into a Political Strategy," *NPR*, May 27, 2024, https://www.npr.org/2024/05/27/nx-s1-4975925/how-republicans-turned-reports-antisemitism-at-colleges-into-a-political-strategy; from the political left, *see* House Judiciary Committee Democrats, "Democrats Urge Republicans to Get Serious About Stopping Antisemitism Rather Than Exploiting It for Political Gain," May 21, 2024, https://democrats-judiciary.house.gov/media-center/press-releases/democrats-urge-republicans-to-get-serious-about-stopping-antisemitism-rather-than-exploiting-it-for-political-gain.

[128] United States Holocaust Memorial Museum, "Origins of Neo-Nazi and White Supremacist Terms and Symbols," https://www.ushmm.org/antisemitism/what-is-antisemitism/origins-of-neo-nazi-and-white-supremacist-terms-and-symbols.

[129] Daniel Staetsky, *Antisemitism in Contemporary Great Britain: A Study of Attitudes Towards Jews and Israel*, Institute for Jewish Policy Research, Sept. 2017, https://archive.jpr.org.uk/object-uk450.

[130] For an overview, *see* Enstad, "Accounting for Contemporary Antisemitism," pp. 6-8.

[131] David Nirenberg, *Anti-Judaism: The Western Tradition* (New York: W. W. Norton & Company, 2013).

[132] Nirenberg, *Anti-Judaism*.

[133] Mark Mazower, *Antisemitism: A Very Short Introduction* (New York: Oxford University Press, 2022); *see also,* Arendt, *The Origins of Totalitarianism*.

In the late 20th and early 21st centuries, antisemitism became connected to debates about international politics, Zionism, the nation-state of Israel, and Muslim-Jewish relations.[134] Throughout, antisemitism "reflect[ed] the ideological preoccupations of the moment," in which "Jews are always made to exemplify what a given group of people considers to be the worst feature of the social order in which they live."[135] In sum, and despite its many variations across history, one regular feature of antisemitism is that its proponents inaccurately project their anger and hatred about a wide range of issues—economic, racial, social, political, religious—onto the Jewish people.

Ideologies, political and otherwise, can also motivate antisemitic views and acts. For example, recent works explore ideological motivations for antisemitism in the extremist wings of both ends of the ideological spectrum in U.S. politics.[136] Research suggests that far-right antisemitism tends to view Jewish people as "people pretending to be white" to usurp the socio-political power of white Americans, as disliked competitors in a competition for social status against the backdrop of fears of globalization, and as secret and conspiratorial financial elites.[137] Far-left antisemitism, in turn, tends to focus on stereotypes about "Jew's involvement in capitalism," casting Jewish people as privileged or oppressors,[138] or opposition to Israeli state policy and solidarity with Palestinian movements, including, in some cases, support for violence and terrorist organizations.[139] Empirical

---

[134] On Muslim-Jewish relations and antisemitism, *see* Daniel J. Schroeter, "'Islamic Anti-Semitism' in Historical Discourse," *American Historical Review*, 2018, vol. 123, no. 4, https://doi.org/10.1093/ahr/rhy026. On anti-Zionism and antisemitism, *see* David Hirsh, "Antizionism as Antisemitism," in *The Cambridge Companion to Antisemitism*, ed. Nicholas Terry and Antony Lerman (Cambridge: Cambridge University Press, 2023).
[135] Feldman, "The New Antisemitism."
[136] Deborah E. Lipstadt, *Antisemitism Here and Now* (New York: Schocken Books, 2019); Bari Weiss, *How to Fight Anti-Semitism* (New York: Crown, 2019).
[137] Eitan Hersh and Laura Royden, "Antisemitic Attitudes Across the Ideological Spectrum," *Political Research Quarterly*, 2023, vol. 76, no. 2, https://doi.org/10.1177/10659129221111081; *see also,* Weiss, *How to Fight Anti-Semitism*; U.S. Dep't of State, Office of the Special Envoy to Monitor and Combat Antisemitism, "From Right to Left and In Between: Jew-hatred Across the Political Divide," Feb. 21, 2024, https://2021-2025.state.gov/from-right-to-left-and-in-between-jew-hatred-across-the-political-divide/.
[138] Fogelman statement, p. 6 ("a Cal Poly DEI officer working in Student Affairs stated that before she and others could delve into a training on identifying and addressing antisemitism, the presenters needed to address Jewish 'white privilege.'"); Seth Oranburg, Professor of Law, University of New Hampshire, testimony, *Antisemitism Briefing*, p. 179 ("In my experience, the problem was not underfunded offices, it was equity officers who believe Jews had enough privilege as not to merit further protection.") [hereinafter Oranburg testimony]; Amanda Stulman, Legal Insurrection Foundation, testimony, *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response*, Public Comment Before the U.S. Commission on Civil Rights, Washington, D.C. Feb. 20, 2026, pp. 67-68 ("Through their focus on Israel, activists have placed Jews firmly in an oppressor role.") [hereinafter *Antisemitism Briefing* Public Comment].
[139] Hersh and Royden, "Antisemitic Attitudes Across the Ideological Spectrum," pp. 698, 708-709; Anti-Defamation League, *Audit of Antisemitic Incidents 2024*; Nexus Task Force, "The Nexus Document."; *see also,* Judith Butler, *Parting Ways: Jewishness and the Critique of Zionism* (Columbia University Press, 2013). For more on far-left antisemitism, *see also* Sina Arnold and Blair Taylor, "Antisemitism and the Left: Confronting an Invisible Racism," *Journal of Social Justice*, 2019, vol. 9, https://transformativestudies.org/wp-content/uploads/Blair-Taylor-and-Sina_Arnold.pdf.

surveys of the ideological spectrum in the U.S., however, show that "antisemitic attitudes are far more prevalent on the right, particularly on the young far right."[140]

Research also shows that global political events and local socioeconomic conditions, and not only ideology, can drive antisemitism. A 2024 study found that antisemitic incidents increased during escalations in the Israeli-Palestinian conflict and were more common in places marked by economic strain combined with relative job security, rather than widespread joblessness.[141] Locally, the strongest patterns are economic: both higher poverty and higher white median income are associated with more incidents; higher income among non-white residents is associated with fewer incidents.[142]

Overall, current research points to several recurring drivers of antisemitism in the United States. These include situational factors such as the size and visibility of Jewish communities, triggering events like wars in the Middle East or economic shocks, and the presence of organized hate groups, as well as ideological currents—primarily on the far right but also present on the far left—that frame Jewish Americans through conspiratorial, racial, or political lenses. Racist beliefs about Jewish power and influence remain a central motivator, and recent evidence shows that antisemitism also rises when global crises intersect with local economic inequality and status anxiety, making antisemitic targeting more likely in specific places and moments.

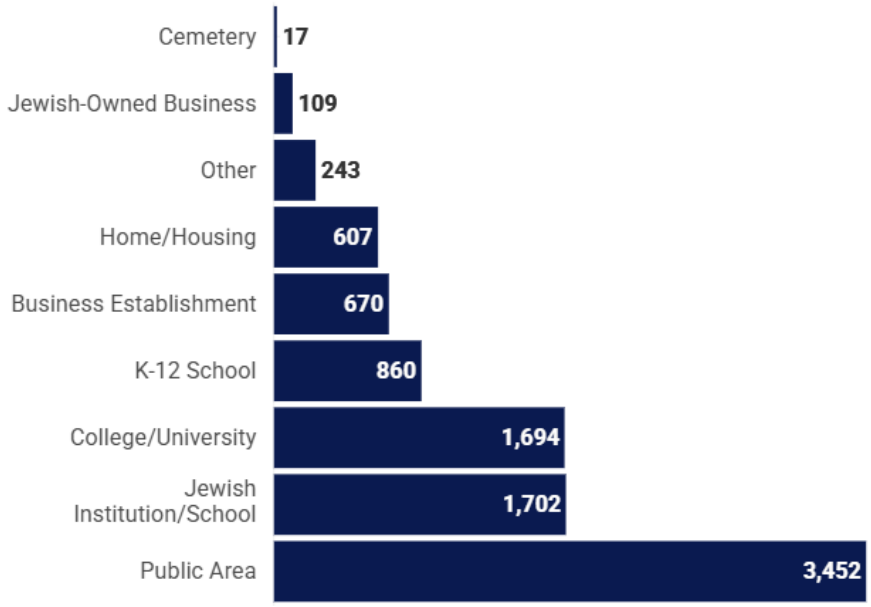
Sites of Antisemitism

Antisemitism on college campuses has been a major focus of media and political attention since October 7, 2023, primarily due to college campus protests related to Israel's actions in Gaza, as detailed above. But in addition to campuses, it is important to note that antisemitism occurs in many other places. As shown in Figure 1.1, ADL's 2024 Audit of Antisemitic Incidents found that the most frequent site of antisemitism was in public areas, accounting for about 37% (3,452) of the 9,354 antisemitic incidents reported in their data.[143]

---

[140] Hersh and Royden, "Antisemitic Attitudes Across the Ideological Spectrum," pp. 698, 708-709.
[141] Hope D. LaFreniere Tamez, Natalie Anastasio, and Arie Perliger, "Explaining the Rise of Antisemitism in the United States," *Studies in Conflict & Terrorism*, 2026, vol. 49, no. 6, https://doi.org/10.1080/1057610X.2023.2297317.
[142] LaFreniere Tamez, Anastasio, and Perliger, "Explaining the Rise of Antisemitism in the United States."
[143] Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.

Figure 1.1: Sites of Antisemitic Incidents, 2024 ADL Audit



Source: Anti-Defamation League, "Audit of Antisemitic Incidents, 2024," Apr. 22, 2025, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024.

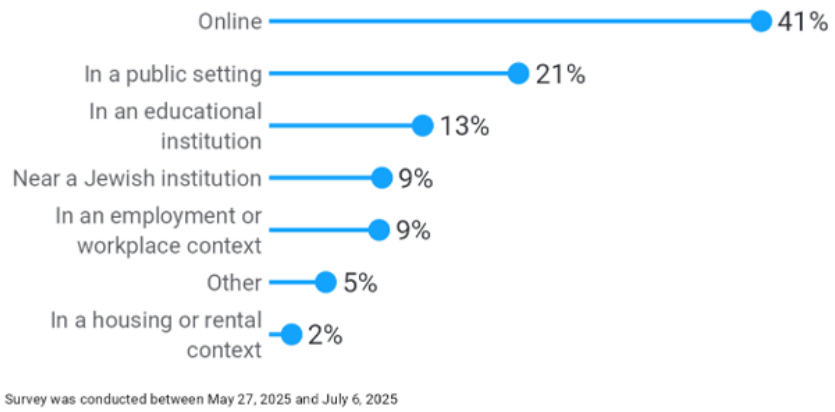
Jewish institutions and schools were the next most frequent sites of antisemitism, accounting for about 18% (1,702) of the incidents in ADL's 2024 data.[144] Jewish synagogues, in particular, are often targets of antisemitic violence. For example, in 2018, 11 people were killed during an attack at Pittsburgh's Tree of Life synagogue.[145] In March 2026, a synagogue and Jewish day school were attacked in Michigan.[146] Other Jewish institutions have also been targets, such as the attack on two Israeli Embassy employees leaving an event at the Capital Jewish Museum in Washington, D.C.[147]

Surveys also indicate that many Americans experience antisemitism in online spaces. Although ADL's Audit of Antisemitic Incidents does not include all antisemitic online content,[148] ADL's 2025 survey found that Jewish Americans were more likely to encounter antisemitism online than in any other setting (see Figure 1.2 below).[149] In ADL's survey, 41% of respondents said they had

[144] Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.
[145] Campbell Robertson, Christopher Mele, and Sabrina Tavernise, "11 Killed in Synagogue Massacre; Suspect Charged With 29 Counts," *New York Times*, Oct. 27, 2018, https://www.nytimes.com/2018/10/27/us/active-shooter-pittsburgh-synagogue-shooting.html.
[146] Camilo Montoya-Galvez and Anna Schechter, "Photo of Michigan Synagogue Attacker Shows Him with AR-style Rifle Prior to the Attack," *CBS News*, Mar. 19, 2026, https://www.cbsnews.com/news/michigan-synagogue-attacker-photo-ar-style-rifle/.
[147] Odette Yousef, "Shooting Outside Jewish Museum Raises Questions About Shifts in Political Violence," *NPR*, May 28, 2025, https://www.npr.org/2025/05/28/nx-s1-5414616/jewish-museum-shooting-political-violence.
[148] Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.
[149] Anti-Defamation League, *Portrait of Antisemitic Experiences in the U.S., 2024-2025*.

experienced antisemitism online in the past year. The percentage of Jewish Americans experiencing antisemitism online was even larger in Combat Antisemitism Movement (CAM) and American Jewish Committee (AJC) surveys for 2024, which found that 58% and 67% of Jewish Americans, respectively, had encountered antisemitism online in the past year.[150] Similarly, in a 2024 AJC survey of the general public, 70% of Americans who personally experienced an antisemitic incident said that they encountered antisemitism online.[151]

Figure 1.2: Jewish Americans' Experiences of Antisemitism, ADL 2025 Survey



Source: Anti-Defamation League, *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, Oct. 6, 2025, https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025.

Taken together, the survey and incident data show that antisemitism occurs in many places throughout the country and is especially prominent online.

Socio-Political and Media Landscape Post-October 7, 2023

Since the October 7, 2023, Hamas terrorist attacks on Israel and the ensuing and enduring conflict in Gaza, public discourse in the U.S. has been marked by heightened attention to antisemitism alongside intense political polarization around the Israeli-Palestinian conflict. As outlined above, antisemitic incidents increased across the country and online in the aftermath.[152] But scholars, journalists, and policymakers have also noted that with the increased visibility of antisemitic rhetoric and incidents, this environment has also produced a growing concern about the

[150] American Jewish Committee, *The State of Antisemitism in America 2024: AJC's Survey of American Jews*, https://www.ajc.org/AntisemitismReport2024/AmericanJews (accessed Jan 12, 2026); Ira M. Sheskin, "Antisemitism in the United States: The Impact of October 7," Combat Antisemitism Movement, https://combatantisemitism.org/wp-content/uploads/2024/10/CAM-Antisemitism-in-US-Survey-Since-October7.pdf (accessed Jan. 12, 2026).
[151] Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.
[152] Ibid. For online, *see* Sheera Frenkel and Steven Lee Myers, "Antisemitic and Anti-Muslim Hate Speech Surges Across the Internet," *New York Times*, Nov. 15, 2023, https://www.nytimes.com/2023/11/15/technology/hate-speech-israel-gaza-internet.html.

politicization and, at times, weaponization of antisemitism claims within broader partisan and ideological conflicts. This landscape has posed challenges not only for accurately identifying antisemitism but also for effectively combatting it.

A growing body of scholarship emphasizes the importance of contextual analysis when assessing allegations of antisemitism, particularly in politically charged settings. Recent research cautions that de-contextualized or performative uses of political language risk undermining efforts to address genuine antisemitism by collapsing distinctions between antisemitic expression and contested political speech, including criticism of Israeli government policy or Zionism as an ideology.[153] This can make it harder to identify, and address, actual instances of antisemitism. There is also the difficulty, however, that perpetrators of antisemitic hate crimes cloak themselves in the guise of "anti-Zionism" to deflect charges of antisemitism.[154] As Mark Goldfeder testified at the briefing:

> Take Saddah Masoud. At his federal hate crime trial, his attorneys had the audacity to argue that he didn't target and assault three innocent American-Jewish people because he's an antisemite, but rather because he was seeking to, and I quote, "promote social and political goals about Palestine." Thank God that argument fell apart when his prosecutors introduced his chats, where he told his co-conspirators, "remember, don't say Jews, say Zionists," in an effort to preserve this academic argument.[155]

These concerns are reflected in federal investigations as well. The Biden administration's 2023 *U.S. National Strategy to Counter Antisemitism* report highlights the role of media literacy, civic education, and robust democratic debate as essential tools for countering antisemitism while preserving open political discourse.[156] The strategy explicitly recognizes that misinformation, polarized media ecosystems, and declining trust in institutions can exacerbate antisemitic narratives and intensify social conflict. Recent congressional investigations—namely, the House Committee on Education and the Workforce's *Antisemitism on College Campuses Exposed* 2024 report and the U.S. House of Representatives' 2024 *Staff Report on Antisemitism*—likewise underscore the role of inaccurate, misleading, or strategically managed public narratives in

---

[153] Yaron Matras, "'It's All about Context': Antisemitism in the Discursive Space Post 7 October," in *Responses to 7 October: Antisemitic Discourse*, 1st ed. (Routledge, 2024).
[154] It is important to note that antisemitic hate crimes are defined by the FBI as *religious* hate crimes, whereas a legal determination under Title VI about most instances of anti-Zionist speech that might also be antisemitic in the campus context would consider not religious motivation but intent to discriminate against Jewish people because of their shared ancestry; on FBI hate crimes, *see supra* note 112; on Title VI and antisemitism, *see* Chapter 2.
[155] Mark Goldfeder, CEO, National Jewish Advocacy Center and Assistant Clinical Professor of Law, testimony, *Antisemitism Briefing*, pp. 30-31 [hereinafter Goldfeder testimony].
[156] The White House, *The U.S. National Strategy to Counter Antisemitism*.

exacerbating antisemitism on college campuses.[157] They highlight how failures to correct false claims or clarify institutional responses can contribute to hostile environments and undermine accountability.[158]

Public opinion data underscore the extent to which antisemitism, views on Israel, and domestic politics have become entangled, but not in uniform ways, across partisan groups. Multiple survey-based analyses disaggregate antisemitic attitudes from anti-Israel or anti-Zionist views and show that these positions are analytically distinct and not inherently correlated.[159] Notably, the data reveal clear partisan asymmetries: Republicans are significantly more likely than Democrats to conflate attitudes toward Israel with attitudes toward Jewish people, and observed statistical associations between antisemitism and views on Israel are driven primarily by Republican respondents.[160] By contrast, among Democrats, opposition to Israeli government policies or to Zionism does not reliably predict antisemitic sentiment, and Americans who hold critical views of Israel are not, as a group, more antisemitic than those who hold more supportive views.[161]

Additionally, recent research suggests that there is a deep divide among Jewish Americans about Zionism, further suggesting a distinction between anti-Zionist views and antisemitism. A study conducted by Jewish Federations of North America (JFNA) found that 37% of Jewish Americans identify themselves as Zionist, while 7% identify as anti-Zionist.[162] Younger Jewish Americans (ages 18-34) were twice as likely to identify as anti-Zionist compared to Jewish Americans overall.[163] The survey suggests that Jewish Americans' differing beliefs about what it means to be Zionist contribute to this divide. For example, the survey found 88% of Jewish Americans believe that "Israel has the right to exist as a Jewish, Democratic state," but most Jewish respondents defined Zionism as more than just "the right of the Jewish people to have a Jewish state."[164] Some commentators attribute the gap between broad support for a Jewish and democratic state and self-identification as a Zionist to a perception that Zionism "as it is currently practiced and defended"

---

[157] U.S. House of Representatives, *Antisemitism on College Campuses Exposed*; U.S. House of Representatives, *House Antisemitism Staff Report*.
[158] U.S. House of Representatives, *Antisemitism on College Campuses Exposed*; U.S. House of Representatives, *House Antisemitism Staff Report*.
[159] Nathan Kalmoe, "U.S. Survey Shows That Anti-Israel Views Don't Imply Antisemitism," *Good Authority*, Mar. 17, 2025, https://goodauthority.org/news/us-survey-shows-that-anti-israel-views-dont-imply-antisemitism.
[160] Data from a nationally representative YouGov poll of 6,000 Americans from February-March 2024, *see* Voter Study Group, "Views of the Electorate Research Survey," https://www.voterstudygroup.org/data; Democracy Fund + UCLA Nationscape, "Nationscape," https://www.voterstudygroup.org/nationscape; American National Election Studies, "2016 Time Series Study," https://electionstudies.org/data-center/2016-time-series-study/; *see* Michael Tesler, "Don't Conflate Anti-Zionism with Antisemitism: American Survey Data," *Good Authority*, May 8, 2024, https://goodauthority.org/news/dont-conflate-antizionism-with-antisemitism-american-survey-data/.
[161] Tesler, "Don't Conflate Anti-Zionism with Antisemitism."
[162] An additional 8% said they are non-Zionist, 30% said none of these labels describe them, and 18% said they are unsure. *See* Andrew Lapin, "Even Most Israel-supporting US Jews Don't Identify as 'Zionists,' JFNA Survey Finds," *The Times of Israel*, Feb. 5, 2026, https://www.timesofisrael.com/even-most-israel-supporting-us-jews-dont-identify-as-zionists-jfna-survey-finds.
[163] Ibid.
[164] Ibid.

has come to mean "prioritizing the maintenance of a permanent Jewish voting majority [in Israel] over and above liberal democratic principles."[165] More than a quarter of Jewish respondents, for example, said that Zionism includes "supporting whatever action Israel takes," with this view being far more prevalent among anti-Zionists than among Zionists. As Mimi Kravetz, Chief Impact Officer for JFNA explains, the term Zionism has been "shaped by a mix of political agendas, public discourse, and broader social forces."[166]

Research on elite attitudes toward Israel suggests that growing partisan polarization reflects changes in elite framing and issue alignment—rather than rising antisemitism *per se*—with political leaders emphasizing different narratives about Israel and Palestine that then structure media coverage and public debate.[167] This dynamic is exemplified in political rhetoric in press releases, congressional statements, and media appearances, some of which employ highly charged or absolutist language that amplifies conflict and suspicion.[168] Reacting to elite discourse, surveys indicate that the partisan gap in public perceptions of trends in antisemitism has disappeared in the last five years.[169] For example, the 2024 AJC survey found that:

> Nearly equal shares of Democrats (60%) and Republicans (61%) say antisemitism has increased in the past five years. Whereas the percentage of Democrats who say this has more or less been the same over the years, there has been a noticeable jump in Republicans

---

[165] Joel Swanson, "Zionism Was Never a Single Concept. We Should Be Grateful to JFNA's Survey for the Reminder," *Jewish Telegraphic Agency*, Feb. 9, 2026, https://www.jta.org/2026/02/09/ideas/zionism-was-never-a-single-concept-we-should-be-grateful-to-jfnas-survey-for-the-reminder.

[166] Mimi Kravetz, "The 'Zionism' Gap: What JFNA Data Really Shows about Jews, Israel and Zionism Today," *Jewish Telegraphic Agency*, Feb. 4, 2026, https://www.jta.org/2026/02/04/ideas/the-zionism-gap-what-data-really-shows-about-jews-israel-and-zionism-today.

[167] Jonathan Rynhold, "Partisanship and Support for Israel in the USA," in *The Palgrave International Handbook of Israel*, ed. P.R. Kumaraswamy (Singapore: Palgrave Macmillan, 2023), https://doi.org/10.1007/978-981-16-2717-0_56-1.

[168] For a few examples of heated rhetoric on both sides of the aisle, *see* Jerrold Nadler, "Congressman Nadler's Floor Speech Condemning Worldwide Explosion of Antisemitism and Calling Out House GOP's Intentional Divisiveness," *Office of Congressman Jerry Nadler*, Dec. 5, 2023, https://nadler.house.gov/news/documentsingle.aspx?DocumentID=395107; Emily Atkinson, "US House Votes to Censure Rashida Tlaib Over Israel Comments," *BBC News*, Nov. 8, 2023, https://www.bbc.com/news/world-us-canada-67354706; "Trump's Comments About Fuentes and Carlson Could Prolong GOP Rift Over Antisemitism," *PBS NewsHour*, Dec. 1, 2022, https://www.pbs.org/newshour/politics/trumps-comments-about-fuentes-and-carlson-could-prolong-gop-rift-over-antisemitism; Miles Harrison and Sabrina Sidi, "Antisemitism at Berkeley, Georgetown and CUNY Highlights Partisan Divide at House Hearing," *The Guardian*, July 15, 2025, https://www.theguardian.com/us-news/2025/jul/15/berkeley-georgetown-cuny-antisemitism-house-hearing; Jonathan Lemire and Sarah Ferris, "GOP Leaders Denounce Antisemitism but Say Real Problem Is on the Left," *Politico*, Nov. 2, 2025, https://www.politico.com/news/2025/11/02/gop-leaders-denounce-antisemitism-but-say-real-problem-is-on-the-left-00632857; Nicholas Kristof and Julie Dawson, "Republicans Clash Over Antisemitism as Trump Declines to Condemn Far-Right Extremists," *New York Times*, May 9, 2024, https://www.nytimes.com/2024/05/09/us/antisemitism-republicans-trump.html.

[169] Huffnagle, *The State of Antisemitism in America 2024: Insights and Analysis*.

> who say antisemitism has increased in the past five years. In 2022, 41% of Republicans said antisemitism had increased; in 2023, 50% said the same; and in 2024, 61% said so.[170]

College and university campuses, as this report explores, have emerged as particularly prominent sites within this broader media and political landscape. News coverage and social media accounts frequently portray campuses as hotbeds of protest, conflict, and antisemitism, often focusing on highly visible demonstrations and confrontations.[171] At the same time, campuses are institutions where multiple normative and legal commitments intersect: academic freedom, free speech, political protest, nondiscrimination obligations, and student safety.[172] The coexistence of these commitments makes campuses especially complex environments for assessing claims about antisemitic conduct and expression.

Realities and Representations of Campus Protests

Political protests—often concerning turbulent and politically and socially contentious issues—have long been a feature of modern American higher education and campus life, particularly in the latter half of the 20th century and first decades of the 21st century.[173] Foreign affairs have frequently been a catalyst for such protests. For example, the Vietnam War drove protests across American campuses in the late 1960s.[174] Similarly, there was a sharp rise in protests on American campuses in the months following October 7, 2023, in response to the Israeli-Palestinian conflict.[175]

---

[170] Ibid.
[171] *See, e.g.*, Zolan Kanno-Youngs and Alan Blinder, "College Protests Over Israel-Hamas War Spur Antisemitism Concerns," *New York Times*, Apr. 17, 2024, https://www.nytimes.com/2024/04/17/us/college-protests-israel-hamas-war-antisemitism.html; "Israel-Hamas War Leads to Heated Debate and Protests on College Campuses," *PBS NewsHour*, May 1, 2024, https://www.pbs.org/newshour/show/israel-hamas-war-leads-to-heated-debate-and-protests-on-college-campuses; Greg Norman and Sandy Ibrahim, "Masked Anti-Israel Protesters at Columbia University Demonstrate as Students Check in for First Day of Classes," *Fox News*, Sept. 3, 2024, https://www.foxnews.com/us/masked-anti-israel-protesters-columbia-university-demonstrate-students-check-first-day-classes; "Antisemitism on Campus Is Exploding," *Newsmax*, Apr. 29, 2024, https://www.newsmax.com/us/antisemitism-campus-college/2024/04/29/id/1162744/; Allison Morrow, "Why Campus Protests Put Columbia President Minouche Shafik in an Impossible Position," *CNN*, Aug. 15, 2024, https://www.cnn.com/2024/08/15/business/campus-protests-columbia-president-shafik-analysis.
[172] Evelyn Douek and Genevieve Lakier, "Title VI as a Jawbone," Knight First Amendment Institute, Columbia University, Sept. 26, 2024, https://knightcolumbia.org/blog/title-vi-as-a-jawbone.
[173] Tina M. K. Butler, Mark Meiners, and Daniel Z. Rinn, eds., *Taking Back the Academy!: History of Activism, History as Activism* (New York: Routledge, 2004); Joy Ann Williamson-Lott, *Campus Uprisings: Challenging the Status Quo in Higher Education* (New York: Teachers College Press, 2017); Roderick A. Ferguson, *We Demand: The University and Student Protests* (Oakland: University of California Press, 2017); Ashley Strickland, "Photos: Student Protest Movements Through the Years," *CNN*, Apr. 30, 2024, https://www.cnn.com/2024/04/30/us/photos-student-protest-movements-reaj (accessed Sept. 30, 2025).
[174] Brianna Scott, Noah Caldwell, Courtney Dorning, and Mary Louise Kelly, "Student Protesters Reflect on the Legacy of Campus Activism During the Vietnam War," *NPR*, Apr. 29, 2024, https://www.npr.org/2024/04/29/1247770751/student-protesters-reflect-on-the-legacy-of-campus-activism-during-the-vietnam-w (accessed Sept. 30, 2025).
[175] Reuters, "What Is Behind the Pro-Palestinian Protests at U.S. Universities?," Apr. 23, 2024, https://www.reuters.com/world/us/what-is-behind-pro-palestinian-protests-us-universities-2024-04-23/ (accessed Sept. 30, 2025).

The heightened political environment due to these protests amplified the complexities and problems that school administrators—confronting increasing national political pressure—faced as they sought to address reported antisemitic incidents and protect Jewish students and employees while simultaneously affirming longstanding commitments to free speech and academic freedom.[176] This generated a complex educational environment in which postsecondary institutions had to adjudicate complicated issues like conflicting viewpoints on Israeli policies, pro-Palestinian advocacy, and anti-Jewish sentiments. As a result, campus officials also had to address legal determinations about free speech, legally protected hate speech, and expression that may constitute discrimination under Title VI.[177]

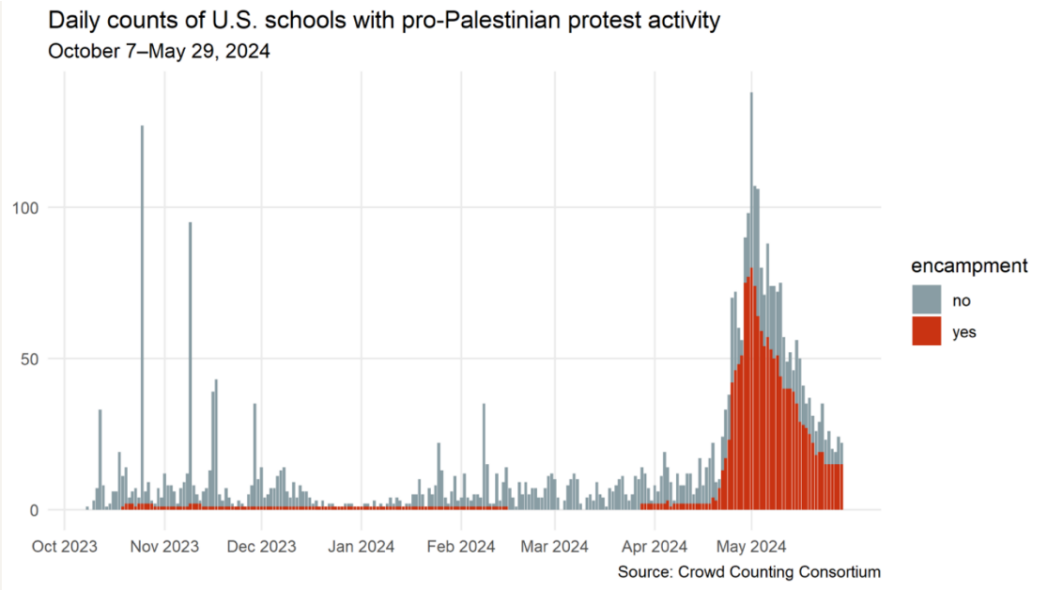
According to data from the Crowd Counting Consortium (CCC), a collaboration between Harvard Kennedy School's Ash Center for Democratic Governance and Innovation and the University of Connecticut, from October 7, 2023 to February 24, 2026, there were 5,302 protest events at universities and other schools.[178] Between October 7, 2023 and May 29, 2024, there were 3,700 "protest days" at 525 different schools (including K-12 schools and school district offices); 2,200 of these came after April 17, 2024, when the Gaza Solidarity Encampment was set up at Columbia University.[179] The largest number of protests occurred between late April 2024 and mid-June 2024. For example, 110 protest events transpired on May 2, 2024, whereas, from mid-June 2024 to January 1, 2025, only six days had a total of over 15 protest events at schools nationwide (with the majority of these occurring on or near the first anniversary of October 7th).[180] From June 15, 2024 to January 16, 2025, 1,527 protest events occurred, representing about 29% of the total protest events that took place since summer 2023, suggesting an overall decline in Israel- and Palestine-related protest activity since spring 2024.[181] Figure 1.3 below shows the frequency of protest activity from October 2023 through May 2024, as well as the number of encampments involved.[182]

---

[176] Michael C. Bender and Annie Karni, "Congressional Hearings on Campus Antisemitism Become a Flashpoint in Debate Over Protests," *New York Times*, May 24, 2024, https://www.nytimes.com/2024/05/24/us/congressional-hearings-campus-antisemitism-protests.html (accessed Sept. 30, 2025).
[177] *See* Chapter 2.
[178] *See* Ulfelder, "Crowd Counting Consortium." While inclusive of K-12 schools, it is reasonable to assume that a large proportion of these protests occurred at postsecondary institutions. *See* Crowd Counting Consortium, "Pro-Palestine Protests in the United States Since October 7, 2023: Interactive Data Dashboard," https://nonviolentactionlab.shinyapps.io/palestine-protest-dashboard/.
[179] Ulfelder, "Crowd Counting Consortium"; Maya Stahl, Chris Mendell, Emily Forgash, and Sabrina Sun, "Dozens of Protesters Occupy South Lawn, Call for Divestment From Israel Ahead of Shafik Testimony," *Columbia Daily Spectator*, Apr. 17, 2024, https://www.columbiaspectator.com/news/2024/04/17/dozens-of-protesters-occupy-south-lawn-call-for-divestment-from-israel-ahead-of-shafik-testimony/.
[180] Crowd Counting Consortium, "Pro-Palestine Protests in the United States."
[181] Ibid.
[182] Ibid.

While news and other media reports focused heavily on encampments,[183] Figure 1.3 indicates that more protest days occurred without encampments (56%).[184]

Figure 1.3: Protest Activity at U.S. Schools (October 7-May 29, 2024), Crowd Counting Consortium



Source: Crowd Counting Consortium, "An Empirical Overview of Recent Pro-Palestine Protests at U.S. Schools," https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/.

The Bridging Divides Initiative at Princeton University also collected data about protests and encampment demonstrations after October 7th. The study identified 3,700 "demonstration events" between October 7, 2023 and May 12, 2024, and 1,150 encampment demonstrations at nearly 150 colleges and universities across 35 states (as well as Puerto Rico and Washington, D.C.) during the same period.[185] Ninety-five percent of these encampment demonstrations were nonviolent and did not involve "destructive activity," although "law enforcement was present or intervened in more than 200" such cases.[186] Thirteen percent of encampment demonstrations attracted counter-protests in which "some type of violent or destructive activity or physical confrontation between opposing groups was reported in nearly 40 cases."[187] Law enforcement intervened or made arrests in nine

[183] Danielle K. Brown, "Media Coverage of Campus Protests Tends to Focus on the Spectacle Rather Than the Substance," *Nieman Journalism Lab*, May 6, 2024, https://www.niemanlab.org/2024/05/media-coverage-of-campus-protests-tends-to-focus-on-the-spectacle-rather-than-the-substance/.
[184] Ibid.
[185] Bridging Divides Initiative, Princeton University, *Analysis of U.S. Campus Encampments Related to the Israel-Palestine Conflict: Action, Reaction, and Engagement in Dialogue*, May 2024, p. 2, https://bridgingdivides.princeton.edu/sites/g/files/toruqf6646/files/documents/BDI_Issue%20Brief_Campus%20Encampment%20Protests_May2024_Web.pdf.
[186] Ibid.
[187] Ibid.

percent of all encampment demonstrations identified by this study, which also found that over 3,000 people had been arrested or detained on campuses nationwide from October 7, 2023 to May 12, 2024.[188]

Media coverage of campus protests often focused on several high-profile colleges and universities, including Columbia and UCLA, as well as confrontations between protesters and law enforcement when school officials moved to dismantle encampments.[189] As demonstrations spread to campuses across the country, the protests became the subject of national political debate, with elected officials and candidates from both major political parties commenting on the responses of colleges and universities and the role of federal policy.[190] This environment created challenging dynamics on many campuses. Students engaged with complex questions of identity, international politics, war, and terrorism in highly visible and often polarized public settings, while educational institutions faced pressure from media coverage, political actors, and advocacy groups. These dynamics provide important context for understanding campus antisemitism and the emergence of Title VI complaints, which frequently arise in environments where protest activity, institutional decision-making, and national political discourse are unfolding simultaneously.

Campus Antisemitism, 2021-2025

Antisemitic incidents on American college and university campuses—especially post October 7th—deeply impacted Jewish students and Jewish Americans and put pressure on school administrators, elected officials, and civil rights enforcers to act. At the Commission's briefing, Jewish students from colleges and universities across the nation expressed their distress, discomfort, and fear as they and their classmates experienced a rise in antisemitic incidents on campus. Sarah Silverman, a sophomore at Harvard University, testified that her mezuzah, a small scroll containing verses from the Torah that is affixed to the doorpost of some Jewish homes, was torn off her dorm room door—an incident she said was investigated as a hate crime by local police.[191] Yasmeen Ohebsion recounted being chased across the Tulane University campus by an

---

[188] Ibid.
[189] Emily Cochrane, Ryan Patrick Hooper, Kevin Williams, and Jackson Landers, "Dozens Arrested at U.Va. as Other Protests Disrupt Graduations," *New York Times*, May 4, 2024, https://www.nytimes.com/2024/05/04/us/graduation-commencement-pro-palesitinian-protests.html (accessed July 2, 2026); Associated Press, "A Look at the Protests of the War in Gaza That Have Emerged at U.S. Colleges," Apr. 30, 2024, https://apnews.com/article/gaza-war-campus-protests-966eb531279f8e4381883fc5d79d5466 (accessed July 2, 2026).
[190] Ulfelder, "Crowd Counting Consortium"; Lisa Lerer, "A New Issue Flares in the 2024 Race: Campus Protests," *New York Times*, May 3, 2024, https://www.nytimes.com/2024/05/03/us/politics/biden-trump-campus-protests.html (accessed July 2, 2026); Jeff Mason and Nandita Bose, "Biden, Trump and U.S. Lawmakers Weigh in as Campus Protests Spread," *Reuters*, May 3, 2024, https://www.reuters.com/world/us/biden-trump-lawmakers-react-campus-protests (accessed July 2, 2026); Alex Seitz-Wald, "Pro-Palestinian Protests Return to Campuses, Adding Election Complication," *NBC News*, Sept. 5, 2024, https://www.nbcnews.com/politics/2024-election/-palestinian-protests-return-campuses-adding-election-complication-rcna168988 (accessed July 2, 2026).
[191] Sarah Silverman, student, Harvard University, written statement for *Antisemitism Briefing*, p. 2 [hereinafter Silverman statement]; *see also,* Sarah F. Silverman, "I Went to My First Harvard Class Wondering if I Was a Victim

individual yelling "F*** you, Jew!" Ohebsion emphasized that the individual "did not ask [her] position on Middle East policy before deciding that [she] was worth being chased down."[192] Students also reported incidents occurring during campus protests and demonstrations. Adira Fogelman, a junior at California Polytechnic State University San Luis Obispo (Cal Poly), testified that students "banged against windows and chanted calls for violence against Israelis and Jews like me" for over two hours as she attended a campus event co-sponsored by Mustangs United for Israel and SLO Hillel.[193]

Panelists and public commenters also described rhetoric and comments from some faculty members and staff that could be perceived as threatening or antisemitic. Adira Fogelman testified that when attending the event mentioned above a Cal Poly professor "approached me and my Jewish friends and said, 'you're a Zionist, you're part of the KKK,'" asked Jewish students, "how many children did you kill today?," and "told one female exiting from the speech that she was, in fact, not from America but from Germany and that's where she should go back."[194] In a written statement to the Commission, ADL provided several examples of protests cosponsored by faculty groups, including Faculty for Justice in Palestine, which included slogans and displays that could be interpreted as support for violence, such as "Long Live Al-Aqsa Flood, referencing Hamas's name for its October 7 attack" and displaying the flag of the Popular Front for the Liberation of Palestine, a U.S.-designated terrorist group.[195] A group of faculty members from Cal State-Northridge submitted a public comment to the Commission stating that ADL contacted the university regarding an administrator's "vicious antisemitic social media postings."[196] The administrator in question was tasked with disciplining student conduct, including complaints of antisemitic conduct, but the only action taken by the university was a "promis[e] not to assign [her] a role in adjudicating complaints for antisemitism."[197]

Further testimony described broader campus climates in which Jewish students felt excluded from spaces associated with campus activism. For example, during the Commission's public comment session, Susan Radov Epstein, Director of Jewish Resilience at ADL and a former graduate student at Northwestern University, testified that, in spring 2024 at an anti-Israel encampment on campus, she was pressed about her Jewish identity, told she was "not welcome as a Zionist," and escorted

---

of a Hate Crime," *Harvard Crimson*, Sept. 6, 2024, https://www.thecrimson.com/article/2024/9/6/silverman-wondering-victim-hate-crime/.

[192] Ohebsion written statement, *Antisemitism Briefing*, p. 2.

[193] Fogelman statement, *Antisemitism Briefing*, p. 3.

[194] Adira Fogelman, California Polytechnic State University San Luis Obispo student, testimony, *Antisemitism Briefing*, p. 191 [hereinafter Fogelman testimony].

[195] Anti-Defamation League, written statement, *Antisemitism Briefing* Public Comment, p. 4.

[196] Matadors Against Antisemitism Steering Committee, written statement, *Antisemitism Briefing* Public Comment.

[197] Ibid., Appendix A.

away from the encampment, which she described as setting "the tone – not dialogue, but exclusion."[198]

Instances like these were reported at campuses throughout the country, particularly in late 2023 and in 2024, as campus protests spread and encampments were set up at multiple schools.[199] The increase in campus antisemitism not only harmed and terrified some Jewish students but at times appeared to threaten to disrupt all students' opportunities to learn and grow amidst a safe and secure campus climate.[200] Mental health challenges surged for many Jewish students, as feelings of stress and depressive symptoms related to antisemitism increased with exposure to the intensity of the debate about the Israeli-Palestinian conflict.[201] Some schools and online health service providers for college students also reported higher levels of requests for counseling following October 7, 2023.[202] And while a nationwide study by the Bridging Divides Initiative at Princeton University found that 95% of encampment demonstrations had "no reports of encampment protestors engaging in physical violence or destructive activity," nearly 60 encampment demonstrations on campuses "did include reports of violent or destructive activity," as well as "physical confrontations" with both law enforcement and counter-protestors.[203] News organizations also documented multiple instances of protest or encampment demonstrations resulting in the physical and verbal harassment of Jewish students and protestors.[204] These events eventually led to many institutions of higher learning to change policies to ban encampments and/or constrain on-campus protests; more details about some of these policy changes for this report's sample universities are provided in Chapter 3.[205]

---

[198] Susan Radov Epstein, Director of Jewish Resilience, Anti-Defamation League, testimony, *Antisemitism Briefing* Public Comment, p. 117.
[199] Colbi Edmonds, Anna Betts, and Anemona Hartocollis, "What to Know About the Campus Protests Over the Israel Hamas War," *New York Times*, https://www.nytimes.com/2024/04/17/us/college-protests-israel-hamas-war-antisemitism.html.
[200] Talia Morstead and Anita DeLongis, "Antisemitism on Campus in the Wake of October 7: Examining Stress, Coping, and Depressive Symptoms Among Jewish Students," *Stress Health*, 2025, vol. 41, no. 1, https://pubmed.ncbi.nlm.nih.gov/39804586/.
[201] Ibid. Muslim students also faced significant mental health challenges; *see* Rania Awaad, "The Devastating Mental Health Effects of Islamophobia," *Time*, Nov. 16, 2023, https://time.com/6335453/islamophobia-mental-health-effects-essay/.
[202] Jessica Blake, "Protests Magnify Concerns About Student Mental Health," *Inside Higher Ed*, May 10, 2024, https://www.insidehighered.com/news/students/physical-mental-health/2024/05/10/protests-magnify-concerns-about-student-mental.
[203] Bridging Divides Initiative, *Analysis of U.S. Campus Encampments Related to the Israel-Palestine Conflict*.
[204] *See, e.g.,* Luis Ferré-Sadurní, Colbi Edmonds, and Liset Cruz, "Some Jewish Students Are Targeted as Protests Continue at Columbia," *New York Times*, Apr. 21, 2024, https://www.nytimes.com/2024/04/21/nyregion/columbia-protests-antisemitism.html; "How Counterprotesters at U.C.L.A. Provoked Violence, Unchecked for Hours," *New York Times*, May 4, 2024, https://www.nytimes.com/interactive/2024/05/03/us/ucla-protests-encampment-violence.html (accessed July 2, 2026).
[205] Rose Horowitch, "Where Are All the Campus Protests?," *Atlantic*, Mar. 25, 2026, https://www.theatlantic.com/ideas/2026/03/campus-protests-trump-iran/686518/.

In analyzing trends in antisemitic incidents, it is important to understand how much they vary in type. Recent research has begun to map different incident types, ranging from acts of violence like assault, vandalism, property damage, and harassment to less visible forms of incidents like microaggressions.[206] Overt forms of antisemitism often receive more attention than subtle ones, but the latter can be pervasive and equally harmful.[207] An additional class of incidents involves contestable and sometimes political expression, such as criticism of current Israeli government policy. Unlike the experiences of the students quoted above, these cases involve complex determinations about when certain forms of conduct illegally discriminate based on protected categories like Jewish ancestry or Israeli national origin.[208]

Given this complex environment, having reliable data on antisemitic incidents is critical for ensuring that students are kept safe and that their rights are upheld. There are three main sources of available data that illuminate campus antisemitism. The first is the federal government, which collects and disseminates information about hate crimes, including those that are anti-Jewish. The federal government also collects data during the process of opening and investigating reported antisemitic incidents alleged to violate Title VI. The second source of data is nonprofit organizations that collect information about antisemitic incidents and how antisemitism shapes Jewish Americans' feelings and behaviors. The final source of data is colleges and universities that survey their community members to assess campus climate, including antisemitism, and collect complaints about antisemitism.

Trends in Antisemitism: Federal Data

The FBI collects and aggregates information about crimes from law enforcement agencies, so is the primary source of information about antisemitic incidents that rise to the level of a hate crime. The FBI categorizes anti-Jewish hate crimes as anti-religious hate crimes. Most hate crimes are race-based. In 2024, the FBI reported 11,323 total single-bias hate crime incidents; of these, 2,783 were anti-religious; and within this category, 1,938 were anti-Jewish. Anti-Jewish hate crimes make up a large share of anti-religious hate crimes, but a small share of total hate crimes in the United States.[209]

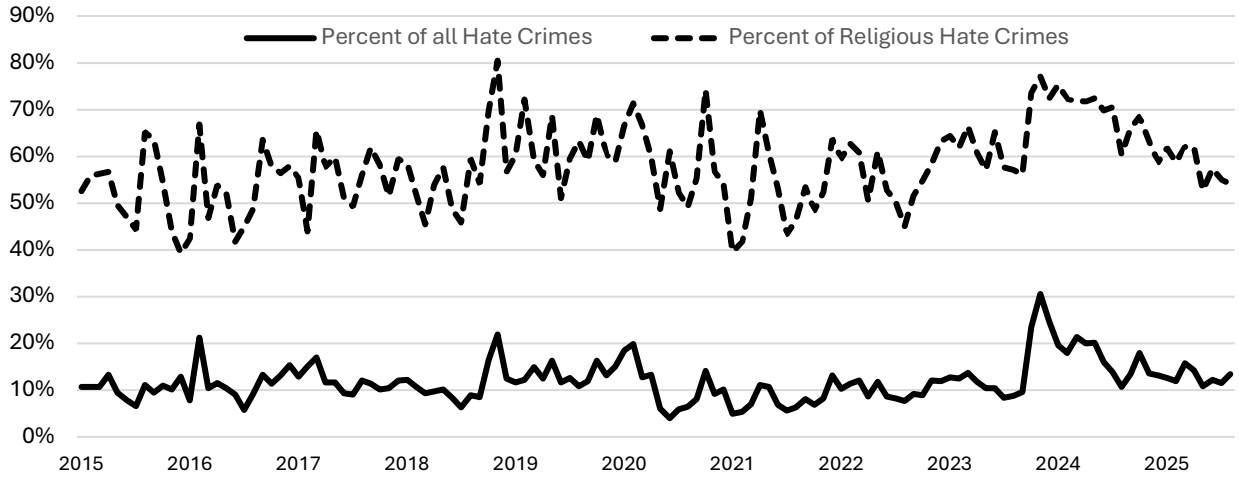
Figure 1.4 below shows trends in anti-Jewish hate crimes as a percentage of all hate crimes (solid black line) and as a percentage of anti-religious hate crimes (dashed black line). As a proportion of all hate crimes, the trend in anti-Jewish hate crimes remained relatively steady—between about

---

[206] *See* Anti-Defamation League, *Audit of Antisemitic Incidents 2024*; Community Security Trust, "Categories of Antisemitic Incidents," https://cst.org.uk/public/data/file/f/2/Categories%20of%20antisemitic%20incidents.pdf (accessed Mar. 12, 2026).
[207] Yael Silverstein and Caryn Block, "Making the Invisible Visible: A Taxonomy of Contemporary Antisemitic Experiences on College Campuses," *Journal of Jewish Education*, 2025, vol. 91, no. 2, https://doi.org/10.1080/15244113.2025.2482060.
[208] *See, e.g.,* Stephen Sachs, *Zionism and Title VI*, 139 Harv. L. Rev. F. 50 (2025).
[209] For more information on hate crimes in the U.S., *see* U.S. Commission on Civil Rights, *In the Name of Hate*.

five and 20%—with a spike to 24% in October and 31% in November of 2024, following the October 7th attack. The post-October 7th increase is less apparent when the data are shown as a percentage of all religious hate crimes because there was also an increase in anti-Islamic hate crimes in the aftermath of the October 7th attack.[210]

Figure 1.4: Anti-Jewish Hate Crimes as a Percent of all Hate Crimes and Religious Hate Crimes, January 2015-August 2025

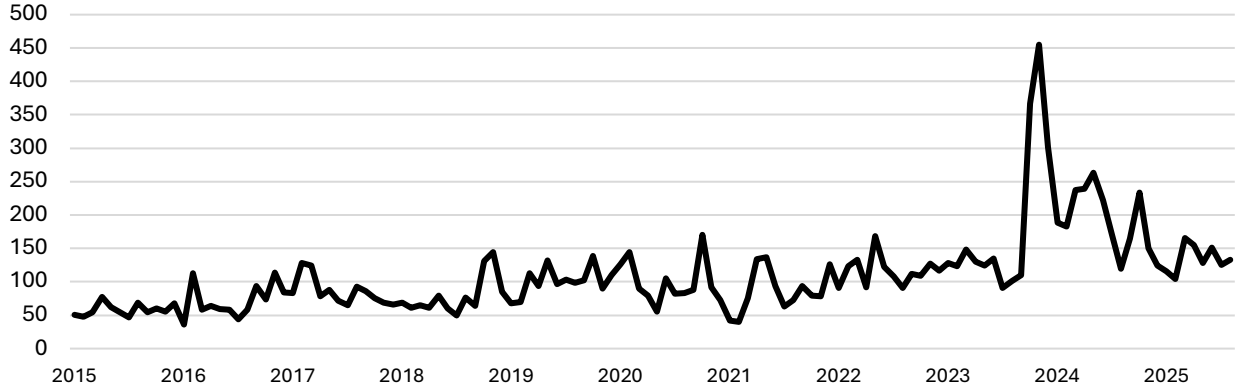


Source: Federal Bureau of Investigation, "Hate Crimes in the United States Incident Analysis," FBI Crime Data Explorer, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime (accessed Jan 12, 2026).

Figure 1.5 below shows anti-Jewish hate crimes reported to the FBI for each month from January 2015 through August 2025.[211] When shown as a raw count, the uptick in anti-Jewish hate crimes in the study period is evident. In 2024, the FBI reported the highest number of single-bias anti-Jewish hate crimes since it began reporting such information in 1991. These data show an overall slight increase from 2015 through the first half of 2023, followed by a large spike in antisemitic hate crimes in October and November 2023. This is a likely indication that the October 7th attack sparked an increase in reported anti-Jewish hate crimes.

[210] Federal Bureau of Investigation, "Hate Crimes in the United States Incident Analysis."
[211] The data represent crimes against persons (i.e., assault, homicide, etc.) as one offense for each victim. For example, an assault that injured five people is counted as five offenses. *See* Federal Bureau of Investigation, "Hate Crimes in the United States Incident Analysis."

Figure 1.5: Anti-Jewish Hate Crimes, January 2015-August 2025



Source: Federal Bureau of Investigation, "Hate Crimes in the United States Incident Analysis," FBI Crime Data Explorer, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime (accessed Jan 12, 2026).

The FBI does not disaggregate hate crime data by type and location, so these data cannot be used to measure the share of anti-Jewish religious hate crime incidents that occurred at American colleges and universities. The FBI does, however, track the broader category of anti-religious hate crimes by location, including college campuses. There was an uptick in anti-religious hate crime incidents at colleges and universities in 2023 and 2024, shown below in Table 1.1.[212]

Table 1.1: FBI Reported Religious-Based Hate Crimes at Colleges and Universities, 2020 – 2024

Year	Number of Anti-Religious Hate Crimes on College Campuses	% of Anti-Religious Hate Crimes on College Campuses
2020	23	1.9%
2021	28	2.8%
2022	52	2.6%
2023	155	5.7%
2024	169	6.1%

Source: Federal Bureau of Investigation, "Hate Crimes in the United States Incident Analysis," FBI Crime Data Explorer, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/explorer/crime/hate-crime (accessed Jan 12, 2026).

Table 1.1 also shows that colleges and universities represent a small percentage of where anti-religious hate crimes occur overall. In 2024, for example, only 6.1% of all anti-religious hate crimes occurred on college campuses, which was the highest share in the past five years. Overall, FBI data show that anti-Jewish hate crimes decreased in 2024 and 2025 from the highest levels at

[212] Federal Bureau of Investigation, "Hate Crime Statistics, 2024," FBI Crime Data Explorer, https://cde.ucr.cjis.gov/LATEST/webapp/#/pages/downloads (accessed Sept. 30, 2025).

the end of 2023. Still, anti-Jewish hate crimes remained higher in the first half of 2025 than in 2015.

Though informative, these data only include incidents that were reported to the police and classified as single-bias anti-Jewish hate crimes, which requires meeting high evidentiary thresholds related to motive and intent.[213] These determinations depend on local law enforcement practices and prosecutorial standards that vary across jurisdictions. In addition, changes to data reporting systems in 2021 affected the completeness of the data in that year.[214]

Title VI complaints are the other source of federal data on incidents of campus antisemitism. Based on what is publicly available, the Commission's research estimates that under the Biden administration, ED opened 87 total shared ancestry investigations, 56 of which were antisemitism cases (64%).[215] The second Trump administration has opened over 60 Title VI investigations or monitoring inquiries by civil rights offices within ED, DOJ, and HHS. Commission research estimates that 66 of the 71 shared ancestry cases that were opened in 2025 concerned antisemitism (93%), although publicly available information does not make clear whether all such cases are formal investigations or monitoring inquiries.[216]

Available data at the federal level paints a fragmented and incomplete picture of a rise in open Title VI antisemitism cases and resolutions processed by ED's OCR and related offices in other federal agencies. Publicly available data from OCR confirm a jump in cases opened by OCR in the past two to three years to investigate antisemitic discrimination under Title VI;[217] however, a lack of data transparency and regular updates make it impossible to draw solid conclusions about the available information. For example, as of March 2026, OCR's website contains two different lists of open shared-ancestry investigations; some cases on these lists have been resolved, although that

---

[213] U.S. Commission on Civil Rights, *The Federal Response to Anti-Asian Racism*; U.S. Commission on Civil Rights, *In the Name of Hate*.

[214] In 2021, the FBI transitioned from using the Summary Reporting System (SRS) to collect crime data from local law enforcement to the National-Incident Based Reporting Systems (NIBRS). However, many local agencies were slow to implement the NIBRS system which resulted in data from these jurisdictions being excluded from the 2021 report. Therefore, the 2021 data is an undercount of the number of hate crimes nationwide. Due to the significant drop in population coverage, UCR returned to accepting SRS data from 2022 through 2024, which resulted in an increase in population coverage for these years. *See* Nathan Kemper, *The National Incident-Based Reporting System (NIBRS): Benefits and Issues*, Congressional Research Service, Jul. 7, 2025, https://www.congress.gov/crs-product/R46668; Nathan Kemper, *Federal Support for Law Enforcement Agencies' Transition to the National Incident-Based Reporting System (NIBRS)*, Congressional Research Service, Aug. 19, 2025, https://www.congress.gov/crs-product/IF13087.

[215] Significant challenges currently exist in verifying ED's case management website information, so Commission staff are only able to provide an estimate, which may under- or overcount the actual number of opened cases. *See* U.S. Dep't of Education, Office for Civil Rights, "Discrimination Based on Shared Ancestry or Ethnic Characteristics," https://www.ed.gov/laws-and-policy/civil-rights-laws/title-vi/title-vi-key-issues/discrimination-based-shared-ancestry-or-ethnic-characteristics (accessed March 12, 2026); for a full discussion of Title VI investigations opened by ED and related informational issues, *see* Chapter 4.

[216] *See infra* Table 4.1.

[217] *See* Chapter 4 for specific details.

is not indicated on either list.[218] Moreover, neither list makes clear which shared ancestry investigations concern antisemitism in particular. An OCR press release listing 60 schools from March 2025 states that five of these schools face directed investigations (i.e., open Title VI antisemitism cases) while the other 55—at the time of the press release—are "under investigation or monitoring," making it challenging to determine which can be classified as open cases and if any have either progressed from monitoring to investigation *or* since been resolved.[219] For these reasons, it is not possible to determine from information made public by OCR a precise number of Title VI cases it has opened to address campus antisemitism since October 7, 2023. DOJ has also issued a series of press releases about opened and resolved antisemitism cases but has not provided a definitive list or regular status updates. An overview of these press releases and additional information about DOJ actions is included in Chapter 4.

Trends in Antisemitism: Nonprofit Organization Data

Most campus antisemitic incidents are not hate crimes or Title VI violations, so incident data collected by organizations like ADL and Hillel[220] provide a fuller picture of trends in campus antisemitism. These organizations capture specific antisemitic incidents as well as broader perceptions of antisemitism. These data primarily rely on self-reporting and media accounts,[221] however, which can risk both underreporting and overreporting. As such, data from organizations also do not show the complete picture of antisemitism on college campuses.

ADL's annual audit of antisemitic incidents is one of the most frequently cited sources on antisemitism in the U.S. and provides one of the longest-running datasets available.[222] Figure 1.6 below shows yearly counts of antisemitic incidents from 2015 through 2024 reported in the ADL audit. Overall, ADL shows an 893% increase in antisemitic incidents over the past decade (2015-2024).[223] According to ADL data, antisemitic incidents in 2024 constitute a 5% rise from 2023 and a 344% increase over the past five years.[224] This is significant because in the early 2010s ADL reported some of the lowest levels of antisemitic incidents since the organization began tracking

---

[218] First list: U.S. Dep't of Education, "Discrimination Based on Shared Ancestry or Ethnic Characteristics." Second list: U.S. Dep't of Education, Office for Civil Rights, "Pending Cases Currently Under Investigation at Elementary-Secondary and Postsecondary Schools," https://ocrcas.ed.gov/open-investigations (accessed Sept. 30, 2025).

[219] U.S. Dep't of Education, Newsroom, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment," Mar. 10, 2025, https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment (accessed Sept. 30, 2025).

[220] Campus for All is an online resource from Hillel International that used to have publicly available data on antisemitic incidents on U.S. college campuses. The data are no longer on their website, and they did not respond to the Commission's inquiry on Apr. 9, 2026, so their statistics are not included in this report. Like ADL, they found an increase in antisemitic incidents since October 7, 2023. *See* Campus for All, "Your Guide to Navigating Antisemitism on Campus," https://campus4all.org/.

[221] *See, e.g.,* Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.

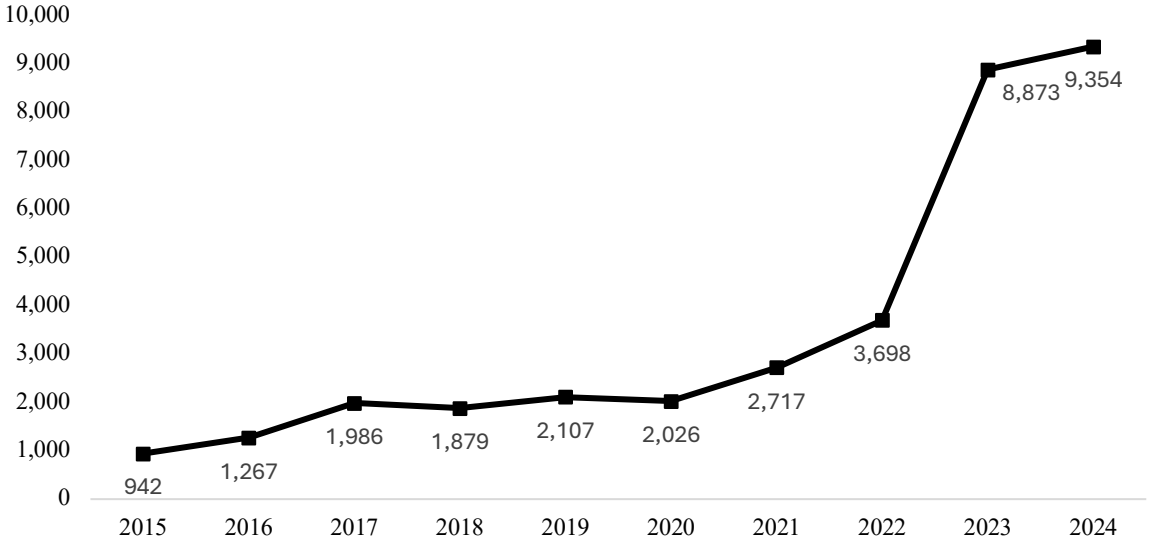
[222] Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.

[223] Ibid.

[224] Ibid.

this information.[225] Elevated levels reemerged in 2014 and have generally trended upward since.[226] Similar to FBI data, ADL data show a sharp increase in antisemitic incidents in 2023, many of which occurred after the October 7th attack.[227]

Figure 1.6: ADL Reported Antisemitic Incidents, 2015-2024



Source: Anti-Defamation League, *Audit of Antisemitic Incidents 2024*, Apr. 22, 2025, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024.

In addition to overall trends, ADL reports capture campus-based antisemitic incidents, which they find also increased after October 7, 2023.[228] In their *2024 Audit of Antisemitic Incidents*, ADL reported that incidents on college and university campuses rose more than at any other location. 1,694 incidents were reported on campuses, which was an increase of 84% from the previous year, comprising 18% of all antisemitic incidents recorded in 2024 (see Table 1.2 below).[229] Most of the 922 incidents on college and university campuses that ADL reported as occurring in 2023 transpired after October 7, 2023.[230]

[225] Ibid.
[226] Ibid.
[227] Anti-Defamation League, *Audit of Antisemitic Incidents 2023*.
[228] Anti-Defamation League, Center for Antisemitism Research, "Campus Antisemitism: A Study of Campus Climate Before and After the Hamas Terrorist Attacks," Nov. 29, 2023, https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks.
[229] Anti-Defamation League, *Audit of Antisemitic Incidents 2024*.
[230] Anti-Defamation League, *Audit of Antisemitic Incidents 2023*.

Table 1.2: ADL's Reported Campus Antisemitic Incidents by Academic Year, 2021-2024

Year	Total Reported Incidents
2022	219
2023	922
2024	1,694

Source: Anti-Defamation League, *Audit of Antisemitic Incidents 2024*, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024 (accessed Sept. 30, 2025).

These data show a significant increase in antisemitism overall and on college and university campuses in the wake of October 7, 2023. It is important to note, however, that how these incidents were collected complicate their interpretation. The first issue is that ADL counts incidents based on reports to its organization or its partners and incidents reported in the media. Not every such incident is reported, so the total may be an undercount. Surveys suggest that only about a quarter of American Jewish people who experience antisemitism report it.[231] ADL's 2025 survey, for example, found that a majority (54%) of surveyed Jewish Americans who experienced antisemitism in an educational setting did not report the incident, while only 29% reported the incident to the school and just 12% reported it to ADL.[232]

Another issue of relying on self-reports is that there is embedded self-selection bias, which means that people who decide to report could be different from people who decide not to report in important and unknowable ways,[233] including in how they perceive antisemitism. Relatedly, incident trends may capture changes in reporting instead of just changes in incidents. Some of the uptick in reported antisemitic incidents could result from increased reporting given the heightened attention to antisemitism in the news and the number of protests following the October 7th attack. For example, an individual who experienced an incident they perceived to be antisemitic, and who may not have chosen not to report it in the past, may be more likely to report against the backdrop of the October 7th attack, subsequent campus protests, and other antisemitic incidents in the news.

Another complexity of data from organizations is that antisemitic incidents are generally presented as a single number that captures all incidents, regardless of type. This means that the overall increase includes all types of incidents, from microaggressions to assaults, without being clear about the share of each type or the meaningful differences between them.

A recent change to ADL's methodology highlights this issue. Following October 7th, ADL began including additional expressions of criticism of Israel and anti-Zionism as antisemitic incidents.

---

[231] For example, the AJC 2024 survey found that 78% of Jewish Americans who experienced antisemitism said they did not report it; *see* Huffnagle, *The State of Antisemitism in America 2024: Insights and Analysis*. Similarly, the ADL's 2025 survey found that 74% of Jewish Americans experiencing antisemitism did not report it; *see* Anti-Defamation League, *Portrait of Antisemitic Experiences in the U.S., 2024-2025*.

[232] Anti-Defamation League, *Portrait of Antisemitic Experiences in the U.S., 2024-2025*.

[233] Randall Olsen, "Self-Selection Bias," in *Encyclopedia of Survey Research Methods*, ed. Paul J. Lavrakas (Thousand Oaks, CA: SAGE Publications, 2008), 809–10, https://doi.org/10.4135/9781412963947.n526.

Though they do not count general criticism of Israel or support of Palestine as antisemitism, they argue that certain expressions against Israel or Zionism can cross the line into antisemitism.[234] ADL explains:

> When they occur during public activism (such as at protests), in confrontations between individuals or in the form of vandalism (such as graffiti), these expressions constitute an implicit attack on the great majority of American Jews who view a relationship with Israel to be an important part of their religious, cultural and/or social identities. Such rhetoric can be traumatizing to many American Jews and has led to their exclusion from some spaces simply because of that element of how they define and express their Jewishness.[235]

Including anti-Israel or anti-Zionist expressions in antisemitic incident counts increases the number of incidents. ADL's 2023 report notes that 36% (3,162) of all antisemitic incidents they captured that year "contained elements referencing Israel or Zionism." Of these reported incidents, 1,350 (43%) were included in ADL's post-October 7th methodological update (see Figure 1.6).[236] About 40% (368) of the antisemitic incidents reported on college campuses in 2023 were included as a result of ADL's post-October 7th methodological update. If these incidents are excluded, ADL data show a 153% increase in antisemitic incidents on college campuses from 2022 to 2023, as opposed to a 321% increase.[237] The 2024 report does not indicate the number of antisemitic incidents that were included due to the methodological update, so it is unclear to what extent the inclusion of anti-Zionist and anti-Israel rhetoric impacted the spike in antisemitic incidents reported in the 2024 data.

A final issue with incident data is that they do not capture the number of individuals affected by each incident. Some scholars argue that counts of antisemitic incidents could lead to underestimating the accurate impact of antisemitism on Jewish individuals in the United States.[238] For example, one incident of graffiti or vandalism at a synagogue might affect hundreds of people who attend that synagogue and reports of antisemitism in the media may impact Jewish Americans who have not personally witnessed antisemitism.[239]

To avoid some of the methodological concerns of self-reported incident tracking, organizations also use surveys to measure overall antisemitism and antisemitism on college campuses. Surveys are not a flawless way to measure antisemitism, as differences in methodologies across surveys taken at different times can make establishing changes over time difficult, so findings below should

---

[234] Anti-Defamation League, *Audit of Antisemitic Incidents 2023*.
[235] Ibid.
[236] Ibid.
[237] Ibid.
[238] Ira Sheskin, *How Much Antisemitism is there in the United States? Incidences vs. Impacts*, 19 FIU L. Rev. 921 (2025).
[239] Ibid.

be interpreted with caution.[240] Still, survey data can provide more information about trends in perceptions and lived experiences of antisemitism to better understand how Jewish Americans have been affected by antisemitism over the past decade.

Perceptions about antisemitism have been measured by Jewish organizations and larger think tanks. In 2024, a Pew survey found a large share of Jewish Americans (72%) believed that there was "a lot" of discrimination against Jewish people in the United States, with the vast majority of Jewish respondents (89%) saying antisemitism had increased since the start of the Israeli-Palestinian conflict.[241] Similarly, when looking at perceptions of antisemitism among all Americans (as opposed to limiting the analysis to Jewish Americans), Pew found that the number of Americans who believed Jewish people face a lot of discrimination doubled from 20% in 2021 to 40% in 2024.[242] At the same time, the survey found that a majority of Americans support allowing speech both in favor of and in opposition to statehood for Israel and Palestine.[243] For example, 58% of Americans (including 55% of Jewish Americans) said that speech opposing Israel's right to exist as a Jewish state should be allowed. On the other hand, most Americans (73%) opposed allowing speech that calls for violence against either Jewish people or Muslims.[244]

The growing concern about antisemitism is also reflected in annual surveys by the American Jewish Committee (AJC). Each year since 2020, AJC has conducted surveys examining both Jewish Americans' experiences with antisemitism and the general public's perceptions of antisemitism.[245] Figure 1.7 below shows the proportion of all Americans and Jewish Americans who said antisemitism is a "very serious" problem in the AJC surveys since 2020. The data demonstrate that perceptions of antisemitism as a "very serious problem" increased for both Jewish Americans and the general American public between 2020 and 2024, with the greatest increase occurring after the 2023 Hamas attack. Overall, 93% of Jewish Americans and 74% of the general public said that antisemitism was either a "very serious problem" or "somewhat of a problem" in 2024, compared to 88% and 62%, respectively, in 2020. According to the AJC report, 90% of

---

[240] For example, the AJC surveys discussed below have different proportions of the sample participating online compared to via telephone each year, and research suggests that the mode through which people participate in a survey could influence the results. *See, e.g.*, American Association for Public Opinion Research, *Report of the AAPOR Task Force on Transitions From Telephone Surveys to Self-Administered and Mixed-Mode Surveys*, Oct. 2019, https://aapor.org/wp-content/uploads/2022/11/Report-of-the-Task-Force-on-Transitions-from-Telephone-Surveys-FULL-REPORT-FINAL.pdf.

[241] Becka A. Alper, Laura Silver, and Besheer Mohamed, *Rising Numbers of Americans Say Jews and Muslims Face a Lot of Discrimination*, Pew Research Center, Apr. 2, 2024, https://www.pewresearch.org/2024/04/02/rising-numbers-of-americans-say-jews-and-muslims-face-a-lot-of-discrimination/.

[242] Ibid.

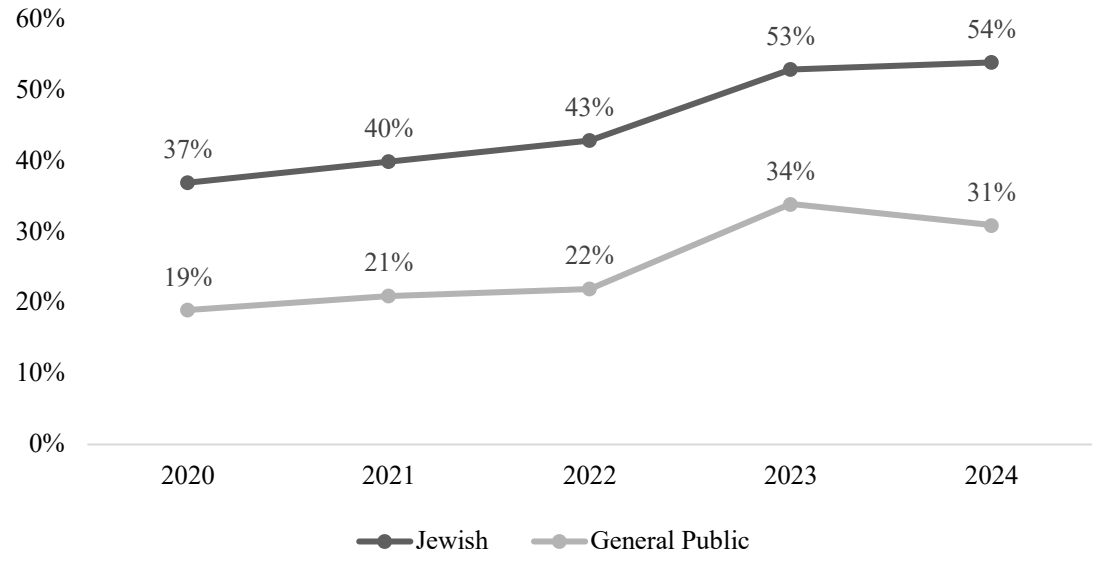
[243] Ibid.

[244] Ibid.

[245] In 2023, the survey of Jewish Americans was conducted from October 5 through November 21, and the survey of the general public was conducted from October 17 through 23. As a result, most of the Jewish American surveys and all of the general public surveys were completed post-October 7th. *See* American Jewish Committee, *The State of Antisemitism in America: Comparing American Jews and the General Public*, https://www.ajc.org/AntisemitismReport2023/Comparison.

Jewish Americans and 62% of all Americans feel that antisemitism in the U.S. has risen since the Hamas terrorist attacks.

Figure 1.7: Perceptions of Antisemitism as a "Very Serious Problem" among Jewish Americans and the General Public, AJC



Sources: American Jewish Committee, *The State of Antisemitism in America: Comparing American Jews and the General Public*, 2020-2024, https://www.ajc.org/AntisemitismReport2020/Comparing-American-Jews-and-General-Public; https://www.ajc.org/AntisemitismReport2021/Comparison; https://www.ajc.org/AntisemitismReport2022/Comparison; https://www.ajc.org/AntisemitismReport2023/Comparison.

The Commission also heard testimony about perceptions of antisemitism. At the public comment session, Elizabeth Cullen, director of Hadassah: The Women's Zionist Organization of America, testified that her organization conducted a survey regarding antisemitism that received over 1,000 responses. They found that, "[o]f the women who responded, two-thirds reported that antisemitism has impacted their lives, [and] more than 60 percent feel afraid."[246]

Surveying Jewish college students as opposed to Jewish Americans generally is challenging because they comprise a very small proportion of the overall American population. Therefore, they can be challenging to reach with traditional probability sampling, which ensures that the survey sample is representative of the target population.[247] As a result, surveys have combined probability

[246] Elizabeth Cullen, *Antisemitism Briefing* Public Comment, pp. 65-66.
[247] Karen Anding Fontenot, "Probability Sampling," EBSCO, 2024, https://www.ebsco.com/research-starters/health-and-medicine/probability-sampling; Roper Center for Public Opinion Research, "How Do Probability-Based Online Panels Work," https://ropercenter.cornell.edu/how-do-probability-based-online-panels-work; Andrew Mercer and

and nonprobability (opt-in) samples to recruit more Jewish college students.[248] While statistical methods can be used to improve the accuracy of these combined samples, the nonprobability sample introduces bias into the results.[249] Still, survey results provide an idea of how college students in the U.S. have and are currently experiencing antisemitism.

AJC's *State of Antisemitism in America 2025 Report* finds that 42% of Jewish students in their survey reported experiencing antisemitism at least once on campus, up from 35% in 2024.[250] Twenty-eight percent of students surveyed reported feeling "uncomfortable or unsafe" at a campus event due to their Jewish identity, while 72% did not.[251] Thirty-four percent of Jewish students "say they have avoided displaying their Jewish identity due to fear of antisemitism."[252] Thirty-eight percent of Jewish students "avoided expressing their views on Israel" while on campus or in class,[253] and one in four Jewish students (25%) reported feeling excluded from a group because of their Jewish identity.[254] Additionally, the survey found that 32% of current and recent students surveyed felt that student life or student activities "promoted antisemitism or fueled a learning environment that was hostile to Jews at least once," while 23% reported the same of faculty and 17% said the same about class curricula.[255] The 2024 AJC survey also asked specifically about anti-Israel protests and pro-Palestinian encampments on campus. Among those who said they noticed these demonstrations, about half (51%) said they made them feel unsafe on campus.[256]

Arnold Lau, *Comparing Two Types of Online Survey Samples,* Pew Research Center, Sept. 7, 2023, https://www.pewresearch.org/methods/2023/09/07/comparing-two-types-of-online-survey-samples/.

[248] *See, e.g.*, Robyn Rapoport, Elizabeth Sciupac, and Paula Armendariz, *State of Antisemitism in America 2024 Surveys: Methodology Report Prepared for the American Jewish Committee*, SSRS, Feb. 2025, pp. 1-2, https://www.ajc.org/sites/default/files/pdf/2025-02/2024_AJC-State-of-Antisemitism-Survey-Methodology-Report.pdf; Robyn Rapoport and Elizabeth Sciupac, *State of Antisemitism in America 2025 Surveys: Methodology Report Prepared for the American Jewish Committee*, SSRS, Feb. 2026, pp. 2-3, https://www.ajc.org/sites/default/files/pdf/2026-02/AJC-State-of-Antisemitism-Survey-Methodology-Report-2025.pdf.

[249] Rapoport, Sciupac, and Armendariz, *State of Antisemitism in America 2024 Surveys: Methodology Report*; pp. 1-4, 34-35, n. 4; National Opinion Research Center, *NORC's TrueNorth Calibration Tool for Probability and Nonprobability Samples*, Nov. 2024, https://www.norc.org/content/dam/norc-org/pdf2024/truenorth-calibration-3.0-white-paper.pdf.

[250] American Jewish Committee, *The State of Antisemitism in America 2024*, https://www.ajc.org/AntisemitismReport2024 (accessed Sept. 30, 2025); American Jewish Committee, *The State of Antisemitism in America 2025,* https://www.ajc.org/AntisemitismReport2025 (accessed Sept. 30, 2025).

[251] American Jewish Committee*, The State of Antisemitism in America 2025: Survey of American Jews*, https://www.ajc.org/AntisemitismReport2025/AmericanJews#college (accessed Sept. 30, 2025).

[252] American Jewish Committee, "New Survey: Four in 10 Jewish College Students Report Experiencing Antisemitism," Feb. 17, 2026, https://www.ajc.org/news/new-survey-four-in-10-jewish-college-students-report-experiencing-antisemitism (accessed Sept. 30, 2025).

[253] Ibid.

[254] American Jewish Committee, *The State of Antisemitism in America 2025*.

[255] Ibid.

[256] Although AJC does not provide margins of error (MOE) for these estimates, the margin of error will be larger than for all college students because the sample is reduced to those who were students after October 7 and noticed the protests. *See* American Jewish Committee, *The State of Antisemitism in America 2024*.

The way that AJC found students to survey likely affects these findings because the survey was not given to a random sample of all Jewish college students. For example, in their 2024 and 2025 surveys, AJC partnered with Hillel to increase responses from Jewish college students.[257] The Hillel sample was assembled from college students who signed up for Hillel events or communications, as well as students who self-identify as Jewish in their College Board demographic profile.[258] Students affiliated with Hillel, a campus group that supports Israel,[259] may have different views of and experiences with antisemitism than Jewish students who are not affiliated with Hillel.[260] Additionally, students connected to Hillel may be more likely to complete a survey coming from Hillel[261] and might unconsciously respond in a way that they believe is supportive of Hillel's perspective. Because most of AJC's college student interviews came from the Hillel sample,[262] the results may be skewed toward the experiences of Hillel-affiliated college students. Additionally, margins of error are higher when examining a subsample of a survey, such as Jewish college students within AJC's full sample of Jewish Americans, due to the smaller size of the subsample. Thus, surveys like AJC's provide an important general idea of the experiences of Jewish college students, though it is important to keep in mind the large margin of error and nonprobability sampling methods when interpreting the statistics derived from these surveys.

Trends in Antisemitism: College and University Data

Colleges and universities are a third source of data about campus antisemitism. Most institutions of higher education collect information about bias incidents, though those data are rarely shared publicly (see Chapter 3 for incident data from sample universities). Several prominent universities that launched task forces in the aftermath of October 7th and the subsequent protests have made their reports publicly available.[263] Those reports provide additional information about campus environments in the past half-decade; reports from Harvard University, Columbia University, Stanford University, and the University of Pennsylvania are of note. However, these reports do not

[257] Rapoport, Sciupac, and Armendariz, *State of Antisemitism in America 2024 Surveys: Methodology Report*, p. 2; Rapoport and Sciupac, *State of Antisemitism in America 2025 Surveys: Methodology Report*, p. 3.
[258] Ibid.
[259] Hillel International, "Hillel Israel Guidelines," https://www.hillel.org/israel-guidelines/ (accessed Jan. 12, 2026).
[260] *See* Andrew Lapin, "Most US Jews Do Not Identify as 'Zionists,' Even When They Support Israel, JFNA Survey Finds," *Jewish Telegraphic Agency*, Feb. 6, 2026, https://www.jta.org/2026/02/05/united-states/jews-who-support-israel-often-do-not-identify-as-zionists-new-jfna-survey-finds; Laura Silver, "Younger Americans Stand Out in Their Views of the Israel-Hamas War," Apr. 2, 2024, Pew Research Center, https://www.pewresearch.org/short-reads/2024/04/02/younger-americans-stand-out-in-their-views-of-the-israel-hamas-war/.
[261] Respondents from the Hillel list were recruited to take the surveys directly by Hillel. *See* Rapoport, Sciupac, and Armendariz, *State of Antisemitism in America 2024 Surveys: Methodology Report*, p. 3; Rapoport and Sciupac, and Armendariz, *State of Antisemitism in America 2025 Surveys: Methodology Report*, p. 4.
[262] Rapoport, Sciupac, and Armendariz, *State of Antisemitism in America 2024 Surveys: Methodology Report*, p. 35.
[263] Many other universities also conducted internal reviews; for more information regarding the schools in this report's sample, *see* Chapter 3.

include comprehensive empirical data on antisemitic incidents on campus or Title VI complaints, so they cannot be used to determine year-by-year trends.[264]

Taken together, reports from universities that experienced highly visible protests or encampments indicate high levels of unease and safety concerns from Jewish students and employees in the months and years after October 7, 2023. The University of Pennsylvania conducted several listening sessions and an online survey in 2024, finding that some Jewish students experienced overt antisemitism while others experienced antisemitic microaggressions. Although the university did not provide statistics, the report indicated that most students in the listening sessions said they experienced antisemitism as a part of campus protests.[265] Harvard University conducted a voluntary, university-wide survey to capture the opinions of students and many university-related personnel from fall 2023 to summer 2024.[266] There were 477 survey participants who identified as Jewish; of these, 39% reported "experiencing discomfort and alienation at Harvard," 26% "felt physically unsafe," and 44% "felt mentally unsafe."[267] Stanford University's 2024 report does not provide summary data but states the presence of antisemitism on campus was "widespread and pernicious."[268] Columbia University produced a series of four reports from March 2024 to December 2025.[269] One of the reports consisted of a non-representative survey of enrolled students during the 2023-24 academic year.[270] According to the survey, 34% of Jewish student respondents reported "positive sentiments of belonging at Columbia" but 67% of Jewish students reported negative "impacts from the encampments on their daily routines," such as "skipping classes (42%), missing assignments (25%), avoiding social activities (55%), and preferring to leave campus (64%)" during April-May 2024.[271]

It is important to note that while the reports, surveys, and incident data discussed above suggest a concerning increase in antisemitism on campuses with real impacts for Jewish students, these reports should not be used as evidence of an increase in Title VI violations, as reports do not

---

[264] *See* University of Pennsylvania, *University Task Force on Antisemitism Final Report*; Harvard University, *Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias Final Report*; Columbia University, Office of the President, "Combatting Antisemitism"; Stanford University, "*It's in the Air": Antisemitism and Anti-Israeli Bias at Stanford*.
[265] *See* University of Pennsylvania, *University Task Force on Antisemitism Final Report.*
[266] Harvard University, *Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias Final Report.*
[267] Ibid., p. 120.
[268] Stanford University, *"It's in the Air": Antisemitism and Anti-Israeli Bias at Stanford*, p. 4.
[269] Columbia University, "Combatting Antisemitism."
[270] Columbia University, *Student Belonging and Exclusion Survey Report*, prepared by NORC at the University of Chicago, June 2025, p. 3, https://www.columbia.edu/content/sites/www.columbia.edu.content/files/content/Documents/Columbia-Student-Survey-Report-June-2025.pdf (accessed Sept. 30, 2025).
[271] Jewish students were far more likely to say that the encampments affected their daily routines on campus than students from other religious groups; 50% of Jewish respondents said the encampments impacted their daily routine "a great deal," compared to 17% of Muslim students, 27% of Christian students, 19% of students with no religious identification, and 26% of students with other religious identifications. *See* Columbia University, *Student Belonging and Exclusion Survey Report*, pp. 5, 17.

necessarily equate to Title VI violations. To establish liability under Title VI requires a showing that the college or university has "excluded [students] from participation in," "denied [students the] benefits of, or…subjected [students] to discrimination,"[272] on the basis of a protected characteristic, such as national origin or shared ancestry. Moreover, as will be discussed in detail later in this report, a university is only liable if it has been "deliberately indifferent" to "pervasive and objective offensive behavior. To assess the university's liability, the Obama and Trump administrations have each underscored that a "detailed analysis of the allegations"[273] is required in a Title VI investigation, while most organizations overviewed here do not conduct such analyses. The following chapter examines the legal standard for antisemitic discrimination under Title VI under both the Biden and Trump administrations.

Overall, data from the FBI, organizations like ADL and AJC, and universities make it clear that campus antisemitism presents an ongoing challenge for Jewish students across the nation. Since October 7, 2023, organizations have reported sharp upticks in the number of reported antisemitic incidents. Additionally, task force reports from multiple universities have documented high levels of safety and belonging concerns from Jewish students. The federal government has initiated an increased number of Title VI investigations into antisemitism, although the total numbers are unclear. Taken together, the educational landscape from 2021-2025 highlights the need for lawmakers, policymakers, federal agencies, and college and university officials to continue taking steps to address antisemitism, all while protecting and cultivating First Amendment rights, academic freedom, robust learning, and safety and security for all students.

Improving Data and Methods for Civil Rights Enforcement

Standardized and methodologically robust data are essential to properly address campus antisemitism. Data can illuminate the precise dimensions of the problem so that schools' responses can be properly tailored to the type of incident and therefore be as effective as possible. Currently, only a few organizations collect and publish data on antisemitic incidents on campuses. That work could be extended through more standardized metrics for defining antisemitic incidents and more representative and comprehensive samples. For example, only a few population-based data

---

[272] 42 U.S.C. § 2000d. Note that although the statute lists "be excluded from participation in" and "be denied the benefits of" alongside "be subjected to discrimination," the relevant legal authorities in this area do not treat those two aspects of the prohibition as distinct from the prohibition on "subject[ing] to discrimination."

[273] *See* Thomas E. Perez, Assistant Attorney General, U.S. Department of Justice, Letter to Russlynn H. Ali, Assistant Secretary for the Office of Civil Rights., U.S. Department of Education, Sep. 8, 2010, https://www.justice.gov/sites/default/files/crt/legacy/2011/05/04/090810_AAG_Perez_Letter_to_Ed_OCR_Title%20VI_and_Religiously_Identifiable_Groups.pdf (for Obama administration) and Exec. Order No. 13899, 84 Fed. Reg. 68779 (Dec. 16, 2019) (for Trump Administration emphasis that "As with all other Title VI complaints, the inquiry into whether a particular act constitutes discrimination prohibited by Title VI will require a detailed analysis of the allegations"), at Sec. 2(b).

collections on this issue exist.[274] Colleges and universities typically do not publicly release data they collect about antisemitic incidents.[275]

The federal government's mandate to protect the civil rights of students is hindered by data sets that are largely incomplete or outdated. Online lists of open Title VI shared ancestry investigations by ED's OCR, for example, have not been updated since December 2025,[276] and the share of these cases that concern antisemitism is not specified.[277] Some of this information can be gleaned from press reports and press releases, but this provides only a very partial picture.[278] Relatedly, FBI hate crime data do not specify the share of anti-Jewish religious hate crimes that occurred on campuses (although the overall number of hate crimes committed on campuses is small relative to other locations).

The issue of reliable data on antisemitic incidents is central to the safety of Jewish students and school employees for several reasons. First, accurately identifying conduct ensures that the rights and safety of Jewish students and staff are neither minimized nor mischaracterized. Second, transparent and replicable methods strengthen the credibility of institutional responses from colleges, universities, and the federal government. In turn, this can increase confidence that reports from Jewish students and staff will be taken seriously and handled fairly. Third, reliable data further make it possible to distinguish among different types of incidents (e.g., speech, vandalism, threats, assault), which allows for calibrated interventions to increase campus safety. Fourth, methodologically consistent data enables the identification of trends over time, allowing school officials and policymakers to assess the effectiveness of their current approaches. Finally, authoritative data provides a clear baseline that can be used to follow up and monitor progress.

Report Methodology

The definitional debate and the informational challenges outlined above highlight the need for a federal study of campus antisemitism and recommendations to address it. The core focus of this report is on the federal and college and university response to antisemitism from 2021-2025, and in particular since October 7, 2023. In addition to a nationwide review of the federal government's response, the Commission staff examined nine universities to provide an in-depth look at how different universities responded to antisemitism and claims of antisemitism on campus and their interactions with the federal government. This approach allows for a detailed examination of the

[274] Commission staff continue to monitor key organizations and academic scholarship on this topic and would welcome additional information about reliable studies that did not make it into the analysis for this report.
[275] The data from the nine sample universities examined in this report through formal interrogatory requests are detailed in Chapter 3.
[276] U.S. Dep't of Education, "Discrimination Based on Shared Ancestry or Ethnic Characteristics."
[277] U.S. Dep't of Education, "Pending Cases Currently Under Investigation at Elementary-Secondary and Postsecondary Schools."
[278] *See, e.g.,* U.S. Dep't of Education, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment."

complex interactions between the federal government, school officials, and legal issues that shape the landscape of both campus antisemitism and effective efforts to combat it.

This report is the first federal study that combines the following: an examination of the federal response to campus antisemitism nationwide and at specific universities; a review of select university responses to antisemitism; an exploration of the interplay of Title VI nondiscrimination law and First Amendment protections on campuses; an incorporation of Jewish student and faculty experiences, along with school administrator perspectives; and expert testimony and analysis from legal scholars, current and former federal officials from ED and DOJ, and advocacy organizations. While the universities in the Commission's sample were not randomly selected, and thus are not representative or generalizable to all colleges and universities in the United States, the information collected from these sample universities provides a more nuanced picture of campus antisemitism that should better enable lawmakers and school officials to recognize ongoing challenges concerning antisemitism, identify appropriate policy solutions, and implement the most effective approaches to campus safety, free speech, and academic freedom.

CHAPTER 2: Title VI and Campus Antisemitism

The protests and encampments that arose on campuses across the country in the wake of October 7th raised a number of complicated legal issues about the scope, application, and enforcement of Title VI of the Civil Rights Act of 1964.[279] Title VI has long been one of the primary federal legal mechanisms for addressing discrimination, including antisemitic harassment, in educational settings.[280] Despite this history and a robust American tradition of nonviolent campus protest over contested political and international topics,[281] applying Title VI to campus protests and encampments—where concerns about free expression and academic freedom can collide with antidiscrimination concerns—represents what legal scholars have called a fundamentally novel use of the statute.[282] To examine how Title VI applies to campus antisemitism, especially in this new context, this chapter discusses the history of the statute, examines the case law and legal scholarship articulating what the statute prohibits, and reviews the statutory and regulatory regimes governing its enforcement.

Title VI

Title VI of the Civil Rights Act (CRA) of 1964 provides that no person "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."[283] The statute was the result of "an extraordinary mobilization of federal power to put pressure on school districts that refused to desegregate after *Brown v. Board of Education*" in 1954.[284] Title VI gave the federal government the ability to withhold or withdraw federal funds to educational institutions that did not comply with Title VI's antidiscrimination dictates.[285] While successful in moving desegregation efforts forward in K-12 schools,[286] the desegregation of postsecondary institutions occurred later in the 1970s, when civil rights groups brought litigation against the Department of Health, Education, and Welfare (HEW), the federal agency charged at the time with overseeing education.[287] From the outset, Congress' intention in enacting Title VI was to establish a legal means for empowering the Executive Branch to effectuate diverse,

---

[279] 42 U.S.C. 2000d.
[280] *See* Stephen C. Halpern, *On the Limits of the Law: The Ironic Legacy of Title VI of the 1964 Civil Rights Act* (Baltimore: Johns Hopkins University Press, 1995).
[281] *See, e.g., infra* note 173.
[282] Suzanne B. Goldberg & Olatunde C.A. Johnson, *Campus Crises and the Limits of Title VI,* 126 Colum. L. Rev. F. 1, 1 (2026).
[283] 42 U.S.C. § 2000d.
[284] Goldberg and Johnson, *Campus Crises and the Limits of Title VI*, 16. For a comprehensive history of Title VI, *see also*, Halpern*, On the Limits of the Law.*
[285] 42 U.S.C. 2000d.
[286] In this chapter, the terms "school/s," "university/ies," and "college/s" are used interchangeably and refer to institutions of higher education unless otherwise specified.
[287] Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, 16; *see also,* Mary Ann Connell, *Race and Higher Education: The Tortuous Journey Toward Desegregation*, 36 J.C. & U.L. 945 (2009).

inclusive, and robust learning environments—most explicitly for Black students—in American schools. Desegregation was the first, essential step toward that goal.

Legal scholars Suzanne Goldberg and Olatunde Johnson note that the use of Title VI to address hostile educational environments within schools "emerged as a second-generation racial issue."[288] With the diversification of college and university campuses came widespread hostility toward and harassment of Black students in particular, resulting in forms of discrimination that operated as significant obstacles to—when not entirely eliminating—those students' equal access to educational opportunities.[289] The application of a hostile environment analysis in the Title VI context initially took shape in response to this pervasive history of racial exclusion and hostility at American educational institutions. The term "hostile environment," drawn from several influential cases about hostile workplace environments,[290] subsequently came to be adopted in the Title VI context to refer to discriminatory harassment that, taken in the aggregate, crossed the threshold of legal actionability. In this way, Title VI evolved into an important legal mechanism to address not only segregation but racial discrimination on campuses across the nation.

In the 1980s and 1990s, schools began to develop their own codes of conduct in response to campus racial incidents and broader campus climate concerns.[291] These were soon curtailed, however, by court decisions striking down speech codes at public universities on First Amendment grounds.[292] Since then, as Professor Timothy C. Shiell noted, every campus "hate speech code that has been challenged on First Amendment grounds in a court has been ruled unconstitutional."[293] Campus speech codes and codes of conduct in the following decades have generally favored protecting most expression that does not obviously cross the line into threats, acts of violence, or related forms of severe discrimination.

One result of these events has been the emergence of a legal question that still awaits resolution, as the Supreme Court has yet to directly address it: the precise relationship between the high priority given to the First Amendment and the antidiscrimination goals of Title VI. This question is taken up below; for now, it suffices to note that it has grown increasingly pressing as Title VI

---

[288] Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, 16–17.
[289] Timothy C. Shiell, *Campus Hate Speech on Trial* (Lawrence, KS: University Press of Kansas, 2009), 4; *see also*, Cara McClellan, *Discrimination as Disruption: Addressing Hostile Environments Without Violating the Constitution*, 34 Yale L. & Pol'y Rev. Inter Alia 1, 7; Wornie L. Reed, "Commentary: The Role of Universities in Racial Violence on Campuses," *Trotter Institute Review*, Mar. 1989; Walter C. Farrell, Jr. & Cloyzelle K. Jones, "Recent Racial Incidents in Higher Education: A Contemporary Perspective," *ISSR Working Papers in Social Sciences* 4, no. 19 (1988), pp. 1, 3.
[290] For a discussion of the hostile environment standard under Title VI, *see infra* notes 337, 340.
[291] Timothy C. Shiell, *Campus Hate Speech on Trial*, at 3, 5; *see also,* Nadine Strossen, *Regulating Racist Speech on Campus: A Modest Proposal?*, 1990 Duke L.J. at 484, 503–06.
[292] Timothy C. Shiell, *Campus Hate Speech on Trial*, at 87; *see also*, Charles R. Lawrence III, *If He Hollers Let Him Go: Regulating Racist Speech on Campus*, 1990 Duke L.J. 431.
[293] Timothy C. Shiell, *Campus Hate Speech on Trial*, at 87.

has been more frequently invoked to address potentially discriminatory speech and conduct on campuses committed to academic freedom and free expression.

As this question remained open, schools increasingly relied on administrative guidance from OCR[294] detailing its legal analysis of schools' obligations under Title VI but not suggesting or requiring schools to adopt particular policies. At the same time, many schools have not developed Title VI-specific compliance systems comparable to those established under other civil rights laws, such as Title IX,[295] which were implemented across campuses following federal guidance issued in 2011.[296] This relative absence of focused Title VI compliance regimes at educational institutions is notable in part because decades of research had demonstrated the negative impact of discriminatory harassment on a wide range of students, especially students of color.[297] Despite the concerns raised by this research, however, academic institutions generally did not establish compliance regimes exclusively dedicated to Title VI until the rise in national origin and shared ancestry complaints following campus protests after October 7, 2023.[298] Thus, campus protests not only posed a new set of questions about Title VI compliance but also created substantial administrative challenges for schools regarding the implementation of Title VI procedures, policies, and offices.

As this brief historical overview shows, Title VI has been a valuable legal tool for fostering inclusive learning environments by limiting discrimination. At the same time, its application has raised important and still unresolved questions about how the imperative of nondiscrimination in education aligns with longstanding American principles of free speech and academic freedom. Protest activity, and in particular the intensity of the events on college and university campuses following October 7th, has introduced new challenges and questions in the application of Title VI. The next section examines these questions in the context of campus antisemitism.

---

[294] U.S. Dep't of Education, Office for Civil Rights, "Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," May 7, 2024, https://www.ed.gov/media/document/dear-colleague-letter-protecting-students-discrimination-such-harassment-based-race-color-or-national-origin-including-shared-ancestry-or-ethnic [hereinafter 2024 OCR Dear Colleague Letter]; Jacob E. Gersen & Jeannie Suk Gersen, *The Six Bureaucracy*, *Harvard Public Law Working Paper* No. 25-20 (Mar. 30, 2025), at 12–19.

[295] Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in any educational program or activity receiving federal financial assistance. This includes discrimination in admissions, athletics, financial aid, and campus disciplinary proceedings, among other areas. The statute is enforced administratively by the U.S. Dep't of Education's Office for Civil Rights and also gives rise to a private right of action in federal court. *See* 20 U.S.C. §§ 1681.

[296] *See* Gersen and Suk Gersen, *The Six Bureaucracy*, at 1–3, 12, 24; *see also,* Goldberg and Johnson, *Campus Crises and the Limits of Title VI*, at 20–21.

[297] Gallup, Inc. and Lumina Foundation, *Balancing Act: The Tradeoffs and Challenges Facing Black Students in Higher Education* (2023), at 1–2, https://www.luminafoundation.org/wp-content/uploads/2023/02/Black-Learners-Report-2023.pdf; Melba Newsome, "Black Students Experiencing Racism on Campus Lack Mental Health Support," *KFF Health News*, Apr. 1, 2022, https://kffhealthnews.org/mental-health/black-students-experiencing-racism-on-campus-lack-mental-health-support/.

[298] Goldberg and Johnson, *Campus Crises and the Limits of Title VI*, at 20.

Title VI in the Post–October 7th Context

As noted above, Title VI provides that no person "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."[299] To understand the legal framework governing claims of campus antisemitism, three distinct issues must be considered: (1) the meaning of the protected characteristics (i.e., race, color, or national origin); (2) the meaning of "subject[ing] [students] to discrimination"; and (3) the procedures that Congress required federal agencies to follow in enforcing this prohibition.

Although all three issues center on Title VI, the First Amendment also occupies a significant role in the governing legal framework for evaluating such claims. This is because behavior that is alleged to contribute to unlawful discrimination under Title VI sometimes involves speech or expressive conduct that, although offensive or controversial, enjoys protection under the First Amendment. As Professor Volokh testified at the Commission's briefing, there is "no First Amendment exception for 'hate speech,'" and even "'[s]peech that demeans on the basis of race'" is therefore protected against government censorship.[300]

Title VI is concerned with discrimination in general. This means that the statute's language does not single out constitutionally protected conduct (like speech) from any other form of mistreatment (such as violence) that might be inflicted on someone by reason of a protected characteristic. But courts and commentators have recognized that the statute may need to be construed more narrowly in such cases to "avoid a collision between the First Amendment and antidiscrimination law."[301] As Professor Genevieve Lakier testified, "Title VI, like the other federal civil rights laws, must be interpreted in light of the First Amendment,"[302] and Professor David E. Bernstein, in a recent article, "generally concur[ed] that the First Amendment bars university students from basing hostile-environment claims on the ideological content of political speech they might also encounter on a street corner off-campus."[303] The Supreme Court has yet to decisively settle the parameters of this accommodation. However, lower courts and legal experts have offered important guidance that is discussed in connection with the relevant Title VI issues below.

---

[299] 42 U.S.C. § 2000d. Note that although the statute lists "be excluded from participation in" and "be denied the benefits of" alongside "be subjected to discrimination under," the relevant legal authorities in this area do not treat those two aspects of the prohibition as distinct from the prohibition on "subject[ing] to discrimination."
[300] Eugene Volokh, Thomas M. Siebel Senior Fellow at the Hoover Institution and Professor Emeritus at UCLA School of Law, written statement *Antisemitism Briefing*, p. 2 [hereinafter Volokh statement] (quoting *Matal v. Tam*, 582 U.S. 218, 246 (2017)).
[301] *Gartenberg v. Cooper Union for the Advancement of Sci. & Art.*, 765 F. Supp. 3d 245, 266 (S.D.N.Y. 2025).
[302] Genevieve Lakier, Professor of Law at the University of Chicago Law School, written statement, *Antisemitism Briefing*, p. 1 [hereinafter Lakier statement].
[303] David E. Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, 6 J. Free Speech L. 1007 (2026).

Protected Characteristics

The first question for any Title VI claim is whether the alleged mistreatment has the requisite connection to one of the protected characteristics. Congress chose to limit Title VI only to discrimination on the basis of "race, color, or national origin" and notably *not* religion.[304] This stands in contrast to its decision to include "religion" in Title VII's ban on employment discrimination.[305] Thus, there is broad agreement among courts, the executive branch, and commentators (including commentators with otherwise divergent views) that discrimination against a Jewish student is covered by Title VI if—but only if—that discrimination is based on the student's "race" or "national origin" (as opposed to some other characteristic like religion).[306] While not a main focus of this chapter, there is broad agreement that discrimination against people of Israeli birth or ancestry constitutes discrimination on the basis of "national origin" for Title VI purposes as well.[307]

Although experts in this area appear to disagree about whether Jewish identity fits more comfortably under the rubric of "race" or "national origin," no witness at the Commission's briefing suggested that this distinction is consequential, in part because the Supreme Court has indicated that "the terms 'national origin' and 'ancestry' were considered synonymous."[308] The common thread among "race, color, [and] national origin," then, is that they are all "immutable,

---

[304] Title IV of the Civil Rights Act of 1964 empowers DOJ to investigate religious discrimination by public schools; *see* U.S. Dep't of Justice, Civil Rights Division, "Types of Educational Opportunities Discrimination," https://www.justice.gov/crt/types-educational-opportunities-discrimination (accessed Apr. 18, 2026). For a history of how Title VI came to cover discrimination against Jewish ancestry but not Judaism, see Kenneth L. Marcus, *The Landmark Case of Shaare Tefila v. Cobb*, 25 Fed. Soc. Rev. 17 (2024), https://fedsoc.org/fedsoc-review/the-landmark-case-of-shaare-tefila-v-cobb.

[305] Eidelson statement, *Antisemitism Briefing*, p. 3. "When he was asked why religion was omitted, the Chairman of the House Judiciary Committee explained that religious discrimination posed more complicated questions and that 'rather than risk getting into [that] thicket[,] . . . it was left out.'" Ibid. (quoting 110 Cong. Rec. 1528 (1964) (statement of Rep. Celler)).

[306] See, e.g., U.S. Dep't of Education, Office for Civil Rights, "Title VI and Title IX Religious Discrimination in Schools and Colleges," Sept. 13, 2004, https://www.ed.gov/media/document/letter-title-vi-and-title-ix-religious-discrimination-schools-and-colleges-2004-35132.pdf [hereinafter 2004 Religious Discrimination Guidance]; Combating Anti-Semitism, Exec. Order No. 13899, 84 Fed. Reg. 68779, 68779 (Dec. 11, 2019), https://www.federalregister.gov/d/2019-27217; Eidelson statement, p. 4–5; Stephen E. Sachs, *Zionism and Title VI*, 139 Harv. L. Rev. F. 50, 60 (2025); David E. Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, 1008 n.2.

[307] *See Espinoza v. Farah Mfg. Co.*, 414 U.S. 86, 88 (1973) ("The term 'national origin' on its face refers to the country where a person was born, or, more broadly, the country from which his or her ancestors came.").

[308] *Espinoza v. Farah Mfg. Co.*, 414 U.S. 86, 88 (1973); *see* Benjamin Eidelson, Professor of Law, Harvard University testimony, *Antisemitism Briefing*, p. 4 [hereinafter Eidelson testimony]; Sachs, *Zionism and Title VI*, 60. For varying perspectives on the question of whether "race" or "national origin" is more apt, *see* Kenneth L. Marcus, *Anti-Zionism as Racism: Campus Anti-Semitism and the Civil Rights Act of 1964*, 15 Wm. & Mary Bill Rts. J. 837, 874 (2007) (describing the national origin theory as "much shakier"); Benjamin Eidelson & Deborah Hellman, *Antisemitism, Anti-Zionism, and Title VI: A Guide for the Perplexed*, 139 Harv. L. Rev. F. 1, 3–6 (2025) (favoring the race theory but expressing openness to either); Sachs, *Zionism and Title VI*, 54, 60 (arguing in terms of "national origin"); Goldfeder testimony, *Antisemitism Briefing*, p. 28.

heritable characteristics."[309] Therefore, regardless of whether the relevant statutory basis is "race" or "national origin," the protected characteristic at issue in antisemitism cases is often described simply as Jewish "ancestry."[310]

Alongside the broad agreement that Title VI protects against discrimination based on a person's ancestry rather than their beliefs, there is equally broad agreement that someone who claims to be discriminating only on the basis of beliefs may actually be discriminating based on ancestry. For example, Rabbi Dr. Mark Goldfeder described an incident in which a group "said they were excluding Zionists, but in practice, they excluded people who had Jewish-sounding last names."[311] Such incidents, he testified, amount to "proxy discrimination" whereby anti-Jewish discrimination is "hidden behind even the thinnest veil of anti-Zionism."[312] Other briefing witnesses agreed that cases of this kind—that is, where professed "anti-Zionism" operates as a pretext for intentional discrimination based on Jewish ancestry—constitute ancestry discrimination for purposes of Title VI.[313] Courts and OCR have recognized this point too.[314]

Beyond this important point of agreement, however, panelists at the Commission's briefing disagreed about whether discrimination against Zionism or supporters of Israel is inherently discrimination on the basis of Jewish ancestry for purposes of Title VI. Witnesses who favored and opposed this idea emphasized that understanding this debate requires understanding what "Zionism" means.[315] In a recent Title VI decision, the U.S. Court of Appeals for the First Circuit employed the dictionary definition of "Zionism" as "an international movement originally for the establishment of a Jewish national or religious community in Palestine and later for the support of modern Israel."[316] Although different witnesses and other experts have offered definitions with different wordings or emphases, there is substantial convergence on this same core meaning. For

---

[309] Eidelson testimony, *Antisemitism Briefing*, p. 33; *see also*, Eidelson statement, p. 4.
[310] *See, e.g.*, Mangel testimony, *Antisemitism Briefing*, p. 121 ("For complaints alleging antisemitism, OCR acts pursuant to Title VI which covers discrimination based on shared ancestry."); Beth Gellman-Beer, Partner, Evergreen Education Solutions and former Regional Director, Philadelphia Office, Office for Civil Rights, U.S. Dep't of Education testimony, *Antisemitism Briefing,* p. 142 (describing OCR as "enforcing Title VI with regard to shared ancestry") [hereinafter Gellman-Beer testimony]; Eidelson testimony, *Antisemitism Briefing*, p. 33 ("Jewish ancestry").
[311] Goldfeder testimony, *Antisemitism Briefing*, p. 29.
[312] Ibid., p, 30.
[313] Eugene Volokh, Thomas M. Siebel Senior Fellow at the Hoover Institution and Professor Emeritus at UCLA School of Law testimony, *Antisemitism Briefing* [hereinafter Volokh testimony]; *see also,* Benjamin Eidelson & Deborah Hellman, *Antisemitism, Anti-Zionism, and Title VI: A Guide for the Perplexed*, 11 ("[A] purported objection to 'Zionists' might simply be a pretext for excluding Jews," and "[t]hat kind of intentional discrimination clearly qualifies as disparate treatment of Jews, not merely of Zionists.").
[314] *See, e.g.*, *StandWithUs Ctr. for Legal Just. v. Mass. Inst. of Tech.*, 158 F.4th 1, 17 (1st Cir. 2025) ("This is not to say that anti-Zionism is never wielded as a tool of the antisemite."); U.S. Dep't of Education, Office for Civil Rights, "2024 OCR Dear Colleague Letter, p. 10 ("The alleged targeting of students with Jewish-sounding last names appears to target those students based on their actual or perceived race or national origin, including shared ancestry (i.e., their family heritage).").
[315] Gammill statement, *Antisemitism Briefing*, p. 3; Eidelson statement, *Antisemitism Briefing*, p. 7.
[316] *StandWithUs*, 158 F.4th at 17 n.13.

example, in a recent article entitled *Zionism and Title VI*, Professor Stephen Sachs describes "Zionism" as "the movement for the nation of Israel to have a national homeland . . . in some portion of the traditional land of Israel"; he also posits that "*anti*-Zionism" thus "requires the rejection of any specifically Jewish state in any part of Israel."[317] Similarly, Professor Eidelson testified that "while different users of the word often seem to have different propositions in mind, the dominant understandings at least encompass a claim about how or by whom certain territory in the Middle East should be governed."[318] And Dr. Goldfeder testified that "Zionism includes the belief that Jews have a right to self-determination and their ancestral homeland," although he emphasized that "the crucial words in that sentence are ancestral homeland."[319]

Panelists made arguments for and against the proposition that Zionism itself, understood in this common way, is effectively a protected characteristic. Making the case that it is, Dr. Goldfeder contended that Zionism is "an aspect of [Jewish students'] Jewish identity[320]"; Carly Gammill, Director of Legal Policy for Stand With Us, added that "[f]or the vast majority of Jews worldwide, Zionism reflects a core component of their Jewish identity" or an aspect of the "lived identity" that is reflected in "their regular customs and practices."[321] Developing this point, Dr. Goldfeder testified that "national origin discrimination" should encompass not only "excluding someone for where their ancestors are from" (which is undisputed), but also excluding someone "for an identity that flows, that's rooted from where they are from," in the way that a Jewish person's commitment to Zionism may flow from or be rooted in their Jewish ancestry.[322] Dr. Goldfeder stressed that "Zion is not an idea or a gene or a metaphor," but rather "the very place where King David established his kingdom and his capitol."[323]

Contrary to these arguments, others contend that opposition to Zionism cannot be deemed inherently discriminatory under Title VI. Professor Eidelson explained that because Zionism is "a label for a set of political and religious and cultural commitments," it is "not a fact about your birth

---

[317] Sachs, *Zionism and Title VI*, at 57–58.
[318] Eidelson statement, *Antisemitism Briefing*, p. 7.
[319] Goldfeder testimony, *Antisemitism Briefing*, p. 27; *see also,* Gammill statement, *Antisemitism Briefing*, p. 3 ("'Zionism' is the term used to identify the identity-level connection . . . and the related belief in the right of the Jewish people to exercise self-determination in that land" (emphasis added)).
[320] Goldfeder testimony, *Antisemitism Briefing*, p. 26. In a response submitted to written Commissioner questions, Dr. Goldfeder expanded on this point, stressing that "Zionism is a core part of [Jewish students'] physical identity," and that "Zion is not an idea; Zion is a mountain, in Jerusalem, Israel, where Jews are from"; Mark Goldfeder, response to Commissioner follow-up questions, *Antisemitism Briefing*, submitted Mar. 15, 2026, p. 2 [on file] [hereinafter Goldfeder follow-up response].
[321] Carly Gammill, Director of Legal Policy, StandWithUS, testimony, *Antisemitism Briefing*, p. 39 [hereinafter Gammill testimony; *see also*, Gammill statement, pp. 1–3. (Ms. Gammill acknowledged that "a growing number of federal judges" have rejected her view about the legal connection between Zionism and Jewish identity and did not identify any court that has accepted it).
[322] Goldfeder testimony, *Antisemitism Briefing*, p. 28; *see also*, Professor Stephen Sachs has made a related argument that anti-Zionist discrimination is discrimination against Jews insofar as it requires them to "abjure their nationhood." Sachs, *Zionism and Title VI*, at 54.
[323] Goldfeder testimony, *Antisemitism Briefing*, p. 27.

in the way that being Italian, or being Irish, or being Black, or being Jewish—in the sense that's protected under Title VI—is."[324] In line with that view, a group of twenty professors of Jewish Studies advised the Commission that "Zionism is not an ethnic or ancestral trait" and that, in their view, claims that Zionism is "intrinsic to Judaism as a faith or culture . . . misunderstand[] Judaism and misrepresent[] the diversity of Jewish people and communities."[325] In a supplemental response to Commissioners' questions, Professor Eidelson elaborated on the legal distinction: "Under ordinary principles of antidiscrimination law, *being of a certain ancestry* is legally distinct from *believing that some territory should be governed by a state of a certain kind*—even if the belief in question is that the relevant territory should be governed by a state that has some special connection to people of that same ancestry."[326] This reluctance to treat Zionism as a protected facet of Jewish ancestry appears to align with current law, as reflected in the First Circuit's recent decision holding that the "equation" of anti-Zionism with antisemitism "finds no consensus support in dictionary definitions . . . [or] the academic literature" and declining to read it into Title VI.[327]

Two Forms of Discrimination: Disparate Treatment and Peer Harassment

Protected characteristics constitute the grounds for discrimination, in other words, what discrimination must be based upon under Title VI. This section turns to the forms that such discrimination can take, particularly when based on Jewish ancestry. Agency guidance and other authorities recognize two main forms of discrimination, differential (disparate) treatment and discriminatory (peer) harassment; the latter is distinctly relevant in the campus antisemitism context.

The first form of prohibited discrimination is what OCR terms "standard different (disparate) treatment" of a protected class by a college or university itself.[328] In the educational context, disparate treatment occurs when a school intentionally[329] treats a student differently because of

---

[324] Eidelson testimony, *Antisemitism Briefing*, pp. 34–35.
[325] Joint Statement of Jewish Studies Faculty, testimony, *Antisemitism Briefing* Public Comment, p. 1.
[326] Benjamin Eidelson, Professor of Law, Harvard University, response to Commissioner follow-up questions, *Antisemitism Briefing*, submitted Mar. 15, 2026, p. 2 [on file] [hereinafter Eidelson follow-up response]. Eidelson explained that "courts have long rejected" analogous arguments for treating "race-associated cultural practices—most often, wearing braids, locks, or cornrows—as facets of 'race' for purposes of statutory bans on disparate treatment"; Eidelson statement, 7; *see also* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 10.
[327] *StandWithUs*, 158 F.4th at 16–17.
[328] U.S. Dep't of Education, Office for Civil Rights, "Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance," Mar. 10, 1994, https://www.ed.gov/laws-and-policy/civil-rights-laws/harassment-bullying-and-retaliation/racial-incidents-and-harassment-against-students (accessed June 30, 2026) [hereinafter 1994 OCR Racial Incidents and Harassment Guidance].
[329] The Supreme Court has frequently stated that disparate treatment requires a "discriminatory intent or motive."; *See, e.g., Watson v. Fort Worth Bank & Tr.,* 487 U.S. 977, 986 (1988); *Bostock v. Clayton County,* 140 S. Ct. 1731, 1740 (2020).

their race, color, or national origin.[330] A straightforward example would be a university that admits students of some racial backgrounds while rejecting otherwise equally qualified applicants of another, as was alleged in *Students for Fair Admissions v. Harvard*, in which the Supreme Court held that race-conscious admissions programs at Harvard and the University of North Carolina violated the Equal Protection Clause and Title VI.[331]

In the campus antisemitism context, a disparate treatment claim might allege, for instance, that a university permitted student groups to engage in antisemitic conduct that would have resulted in discipline had it been directed at members of another group. Proving such a claim — as discussed above — requires showing that the differential treatment was intentional, i.e., that the academic institution acted as it did because of the student's protected characteristic and not merely in a way that happened to affect them differently.[332] A leading example of this kind of allegation is *Kestenbaum v. President & Fellows of Harvard College*, where a student claimed, among other things, that Harvard University applied an antisemitic "double standard" in its response to student complaints.[333] There is no dispute that such disparate treatment would violate Title VI if it were proved, but none of the experts who testified before the Commission identified a case in which such an allegation has been sustained in court,[334] and subsequent cases[335] as well as prominent federal enforcement actions have focused on discriminatory harassment rather than disparate treatment.[336]

Thus, the main form of prohibited discrimination relevant to campus antisemitism claims is the second, which OCR has called a "racially hostile environment" claim.[337] The Supreme Court has

---

[330] Congressional Research Service, "Race Discrimination at School: Title VI and the Dep't of Education's Office for Civil Rights," IF12455, July 21, 2023.
[331] *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).
[332] Congressional Research Service, "Race Discrimination at School: Title VI and the Dep't of Education's Office for Civil Rights."
[333] *Kestenbaum v. President & Fellows of Harvard Coll*., 743 F. Supp. 3d 297, 310–11 (D. Mass. 2024) (describing and rejecting such a claim).
[334] These claims are discussed in further detail in Eidelson & Hellman, Antisemitism, *Anti-Zionism, and Title VI*, 23–24.
[335] *See infra* note 333.
[336] *See, e.g.,* U.S. Dep't of Health and Human Services, Office for Civil Rights & U.S. Dep't of Education, Office for Civil Rights, "Notice of Violation: Joint OCR and HHS OCR Notice of Violation to Columbia University," July 2025, https://www.hhs.gov/civil-rights/for-providers/compliance-enforcement/examples/national-origin/ocr-joint-notice-of-violation-to-columbia/ (accessed June 29, 2026); U.S. Dep't of Health and Human Services, Office for Civil Rights & U.S. Dep't of Education, Office for Civil Rights, "Notice of Violation: Joint OCR and HHS OCR Notice of Violation to Harvard University," June 2025, https://www.hhs.gov/sites/default/files/harvard-title-vi-notice-violation.pdf (accessed June 29, 2026).
[337] *See* U.S. Dep't of Education, 1994 OCR Racial Incidents and Harassment Guidance. OCR first recognized this form of discrimination, by analogy to workplace harassment, in this 1994 guidance document. The agency would later develop additional administrative guidance addressing hostile environment analysis and update it over the years; several other influential documents are discussed further in Chapter 4. For background, *see* Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, at 18–20; for a particularly influential Dear Colleague Letter issued by OCR on Jewish ancestry discrimination and the agency's legal approach to hostile environment analysis (in the wake of October 7, 2023), *see infra* note 314.

not offered a specific legal definition of such a claim under Title VI, but, in *Davis v. Monroe County Board of Education*, it did specify when a university may be liable for peer harassment under the parallel prohibition of Title IX that addresses sex rather than race.[338] Accordingly, the same substantive standards are widely understood to apply to Title VI as well.[339]

Under these standards, a "racially hostile environment" can be defined as one in which a student's peers subject them, on the basis of race, to "harassment that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit."[340] Thus, a "hostile environment" in the legal sense does not describe a general and distressing or uncomfortable feeling or perception of a campus climate but rather describes a legally sufficient aggregate of acts of discriminatory harassment.[341] Universities "may be liable for 'subject[ing]' their students to [such] discrimination where the recipient is deliberately indifferent" to the qualifying harassment.[342] "Deliberate indifference" has been described by the Supreme Court as "a stringent standard of fault, requiring proof that a [covered] actor disregarded a known or obvious consequence of his action."[343]

---

[338] Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, at 5, 17; on *Davis v. Monroe County Board of Education* in the context of the *StandWithUs* and *Gartenberg* decisions, *see Id.*, at 36-38.

[339] Many circuit courts have reached the same conclusion. *See, e.g.*, *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 665 (2d Cir. 2012); *Whitfield v. Notre Dame Middle Sch.*, 412 F. App'x 517, 521 (3d Cir. 2011); *Fennell ex rel. Fennell v. Marion Indep. Sch. Dist.*, 804 F.3d 398, 408 (5th Cir. 2015); *Doe v. Galster*, 768 F.3d 611, 617 (7th Cir. 2014); *Bryant v. Indep. Sch. Dist. No. I-38 of Garvin Cnty.*, 334 F.3d 928, 934 (10th Cir. 2003); *see also,* U.S. Dep't of Education, 2024 OCR Dear Colleague Letter, p. 5.

[340] *Davis v. Monroe Cnty. Bd. of Educ.*, 526 U.S. 629, 633 (1999). Although *Davis* itself does not phrase the standard in terms of a "hostile environment" (or "racially hostile environment"), there are sources that do say that peer harassment meeting the applicable legal standards "constitute[s]" such an environment. *See* U.S. Dep't of Education, 1994 OCR Racial Incidents and Harassment Guidance; *see also,* U.S. Dep't of Education, Office for Civil Rights, "Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," Nov. 7, 2023, https://www.ed.gov/media/document/dear-colleague-letter-discrimination-including-harassment-based-shared-ancestry-or-ethnic-characteristics-november-7-2023-35097.pdf (last accessed June 30, 2026), p. 2 [hereinafter 2023 OCR Dear Colleague Letter] (defining the "type of harassment [that] creates a hostile environment" as conduct "that, based on the totality of circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity"); *Harris* v. *Forklift Systems, Inc.,* 510 U.S. 17, 21 (1993) ("When the workplace is permeated with discriminatory intimidation, ridicule, and insult that is sufficiently severe or pervasive to alter the conditions of the victim's employment and create an abusive working environment, Title VII is violated.").

[341] *Harris* v. *Forklift Systems, Inc.,* 510 U. S. 17, 21 (1993); *see also, Id*., at 24 (Scalia, J., concurring) ("Today's opinion elaborates that the challenged conduct must be severe or pervasive enough 'to create an objectively hostile or abusive work environment—an environment that a reasonable person would find hostile or abusive.'").

[342] *Davis v. Monroe Cty. Bd. of Educ.*, 526 U.S. 646-47 (1999). *See also, Gartenberg*, 765 F. Supp. 3d at 259 ("A Title VI deliberate indifference claim thus requires a student to plead, and eventually prove, that: (1) she was subject to severe or pervasive harassment; (2) the harassment was motivated, at least in part, by her race, color, or national origin; (3) the institution had both actual knowledge of the harassment and the ability to exercise substantial control over the harassers; (4) the institution was deliberately indifferent to the harassment; and (5) the harassment deprived the student of educational benefits or opportunities that she was otherwise entitled to." (citing *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 665–66 (2d Cir. 2012))).

[343] *Board of Comm'rs of Bryan Cty. v. Brown*, 520 U.S. 397, 410 (1997); *see Gebser v. Lago Vista Independent School Dist.*, 524 U.S. 274, 291 (1998).

Discriminatory Harassment in the post-October 7th Context

In general, courts have found actionable harassment under these standards when a student is targeted based on their race or sex for a campaign of severe abuse, often involving a mixture of violence, threats, and epithets. The typical Title VI fact pattern in the decided cases involves a student whose peers repeatedly subjected them to racial slurs—and usually physically bullied or threatened them too.[344] Some of these cases concern harassment on the basis of Jewish ancestry—such as a middle-school student faced with peers "giving Nazi salutes, saying 'Heil Hitler,' wearing swastikas, and referencing gas chambers used to kill Jews during the Holocaust."[345] Regardless of the particular group at issue, a notable feature of these cases is that the very nature of the harassment usually makes the race- or ancestry-based motivation self-evident. Similarly, in Title IX cases, the sex-based targeting is often uncontested in light of the nature of the abuse itself. In *Davis*, for example, a male student subjected a female peer to "numerous acts of objectively offensive touching" and months of "sexual harassment."[346]

Cases after October 7th involving colleges and universities have raised complexities that these more familiar Title VI cases have not. First, because many of the alleged acts of harassment occur in a context of avowedly anti-Israel or anti-Zionist activism, the question of whether a student has been subjected to any given act of alleged harassment for being of Jewish ancestry is not clear-cut. In possible Title VI scenarios where a Black student is called a racial epithet or a Jewish student is taunted about the Holocaust, the answer to this question is clear. However, as discussed above and the First Circuit has ruled, the basis of an anti-Zionist or anti-Israel chant (for example) cannot simply be presumed to amount to anti-Jewish ancestry discrimination, although additional evidence may make clear that anti-Jewish animus motivated the harassment.

Second, as scholars and veterans of OCR have noted, "deploying Title VI's hostile environment doctrine against colleges and universities' responses to large-scale protests rather than

---

[344] *See, e.g.*, *Zeno v. Pine Plains Cent. School Dist*., 702 F.3d 655, 667 (2d Cir. 2012) (high school student was called the n-word "nearly every day" and subjected to "explicit threats as well as implied threats, such as references to lynching"); *DiStiso v. Cook*, 691 F. 3d 226, 242–43 (2d Cir. 2001) (kindergartner was subjected to repeated racial slurs and mockery for skin color); *Gholston v. Franklin Cnty. Bd. of Educ*., No. 3:20-CV-00013-CLS, at 10 (N.D. Ala. Nov 17, 2021) (student faced "numerous incidents of racial harassment, several of which involved physical attacks"); *see also,* Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, 19 ("Prior to the current campus crises, administrative complaints and lawsuits often involved extremely abusive or exclusionary behavior, typically directed at specific individuals, including physical assaults, threats, violent imagery, racialized gestures, racist and antisemitic symbols, threats, epithets, and slurs.").

[345] *I.G. v. Jefferson County School Dist.*, 452 F. Supp. 3d 989, 1002 (D. Colo. 2020); *see also, T.E. v. Pine Bush Central School Dist.*, 58 F. Supp. 3d 332, 357 (S.D.N.Y. 2014) (students had "anti-Semitic slurs repeatedly directed at them, witnessed swastika graffiti," and "suffered physical harassment, including being slapped, physically restrained, and having coins thrown at them").

[346] *Davis*, 526 U.S. at 653; *see also, Oncale v. Sundowner Offshore Services*, 523 U.S. 75, 80 (1998) ("Courts and juries have found the inference of discrimination easy to draw in most male-female sexual harassment situations, because the challenged conduct typically involves explicit or implicit proposals of sexual activity; it is reasonable to assume those proposals would not have been made to someone of the same sex.").

individualized discrimination claims"—as private plaintiffs and the federal government did after October 7th—"was new."[347] This novel scenario raises questions about whether, regardless of motivation, the conduct constitutes "severe and pervasive harassment." Third, significant uncertainty remains about what makes an academic institution's response to this kind of alleged harassment legally inadequate under the "deliberate indifference" standard.

To unpack these complexities this section considers how courts and witnesses at the Commission's briefing have addressed: the *motivation* question that arises in connection with activity that is at least nominally anti-Israel or anti-Zionist rather than anti-Jewish; how the *context* of protest activity on a campus informs the determination of whether a student has suffered "severe and pervasive harassment" under Title VI; and finally when a higher education institution's inadequate response makes it, rather than the harassers alone, responsible for the alleged harassment.

Motivation

Under the prevailing judicial interpretation of Title VI, "to make out a hostile environment claim, a plaintiff must plead (and then prove) not only that they suffered objectively severe or pervasive harassment, but that the harassment was motivated, at least in part, by a protected characteristic."[348] Here, as discussed above, the relevant protected characteristic would be Jewish (or Israeli) ancestry. Thus, a central issue for any legal analysis is what it takes to show that kind of motivation in connection with the kinds of anti-Israel and anti-Zionist activities that swept U.S. campuses after October 7th.

The only appellate decision squarely addressing the issue is the First Circuit's *StandWithUs* decision, which rejected a Title VI claim against Massachusetts Institute of Technology (MIT). The complaint detailed a lengthy set of allegations involving days of protest and an encampment. Among other things, the court held that protesters' anti-Zionist rhetoric and use of slogans such as "from the river to the sea" would not suffice to permit a factfinder to infer the requisite "antisemitic animus."[349] Since a viable Title VI claim requires proof of antisemitic motivation, the court reasoned, it is not sufficient that *offended students* might interpret these slogans as "call[ing] for the genocide of the Jewish people." The plaintiff would also need to "allege facts suggesting that [the] chant was commonly so construed *by the protestors*," since that is what would make their use of the chant suggestive of antisemitic motivation on their part.[350] Indeed, the court noted that the

---

[347] Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, 18–20.
[348] *Gartenberg*, 765 F. Supp. 3d at 267; *see id.* at 259; *StandWithUs*, 158 F.4th at 18; *see also, StandWithUs Ctr. for Legal Just. v. Mass. Inst. of Tech*., 165 F.4th 97, 102 (1st Cir. 2026) (Dunlap, J., concurring in denial of rehearing en banc) ("Oncale does not suggest that a plaintiff need not demonstrate that a harasser is motivated by hostility to a protected class."); *Segev* v. *Pres. & Fellows of Harvard Coll*., No. 1:25-cv-12020 (D. Mass. Dec. 4, 2025), Doc. 35 ("The relevant question is whether the protestors chanting these slogans viewed them as antisemitic.").
[349] *StandWithUs*, 158 F.4th at 18.
[350] *Id*., at 19 (emphasis added); *see also,* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI,* at 15–18 (discussing divergent interpretations of the same slogans within different communities and distinguishing between

protestors had conspicuously "eschewed" the "litany of epithets and tropes" conventionally associated with the "sordid history of antisemitism," instead opting for signs and chants targeting "the Israeli state and its treatment of Palestinians."[351] In finding no adequate basis for inferring anti-Jewish motivation from this conduct, the court also emphasized the First Amendment principle "that one person does not lose the right to express a political opinion on a matter of public concern merely because another who expresses the same view does so for condemnable reasons."[352]

Another important ruling, referenced by Professor Eugene Volokh at the briefing[353] and discussed in recent legal scholarship,[354] is *Gartenberg v. Cooper Union*, in which the court found certain Title VI allegations sufficient at the pleading stage. As the First Circuit indicated in the MIT case, however, the divergent results in these two leading cases may be fully compatible.[355] The allegations in *Gartenberg* included extensive vandalism—ranging from a rendering of "From the River to the Sea" in "lettering made to resemble the stylized font commonly associated with Hitler's *Mein Kampf*," to other messages that specifically referred to "Jews," not just Israel—all of which, in the court's view, made an inference of antisemitic motivation at least "plausible."[356] The court also pointed to an alleged mob assault on a library (which ultimately had to be locked for the students' protection) where the protesters' conduct was "plausibly directed at the visibly Jewish students inside the library."[357] The *Gartenberg* court held that the plaintiffs' allegations were adequate to withstand a motion to dismiss, although it underscored that the antisemitic interpretation of the protestors' motive was not necessarily more plausible than other interpretations and that the plaintiffs would ultimately need to prove motive to prevail at trial.[358]

Taken together, *StandWithUs* and *Gartenberg* indicate that a claim that harassment was motivated by someone's Jewish ancestry may clear the plausibility threshold when, but only when, it is supported with factual allegations based on the "specific circumstances" that suggest the activity in question was "driven by antisemitism"[359] rather than opposition to "Zionist ideology."[360] The need for specific circumstances to justify this inference in a given case was underscored by witness testimony and other submissions to the Commission calling attention to the diverse reasons, apart from antisemitic hostility, why people may oppose Zionism or the State of Israel. For example, the twenty Jewish Studies professors who submitted a joint statement to the Commission also warned

---

cases in which "an activity's offensiveness to a racial group is manifestly its *raison d'être*" and those in which "the potential for offense is plausibly understood as a side effect tracing to even a culpable lapse of sensitivity").

[351] *StandWithUs*, 158 F.4th at 16.
[352] *StandWithUs*, 158 F.4th at 17-18.
[353] Volokh testimony, *Antisemitism Briefing*, p. 69.
[354] Goldberg & Johnson, *Campus Crises and the Limits of Title VI*, at 37.
[355] *See StandWithUs*, 158 F.4th at 17 (citing *Gartenberg*, 765 F. Supp. 3d at 269).
[356] *Gartenberg*, 765 F. Supp. 3d at 268–69.
[357] *Id*., at 272.
[358] *Id*., at 270.
[359] *StandWithUs*, 158 F.4th at 18.
[360] *Gartenberg*, 765 F. Supp. 3d at 268.

against "misrepresenting the diversity of Jewish people and communities" by failing to "acknowledg[e] . . . the vast spectrum of perspectives among Jewish and non-Jewish students."[361] Recent survey data support this contention. For instance, a 2025 survey of Jewish people in the Boston area found that more college-age Jewish people identify as "anti-Zionist" than identify as "Zionist,"[362] and a study by the Jewish Federations of North America found that only 37% of American Jews identify with the term "Zionist."[363]

Some panelists and legal scholars disagree with the premise—shared by *StandWithUs* and *Gartenberg*—that an intention to discriminate on the basis of a protected characteristic is necessary for conduct to support a Title VI "hostile environment" claim. Ms. Gammill, for example, argued in her written testimony that courts have erred by focusing on "the subjective intent to engage in antisemitism, rather than focusing on the impact of the conduct on the targeted individuals."[364] She relies on OCR guidance analogizing to Title VII employment cases and stating that the relevant "conduct may be directed at anyone," rather than "targeted at a particular person";[365] as she reads those materials, the relevant question is thus "not the subjective intent of those responsible for the conduct at issue."[366] Professor Stephen Sachs has likewise suggested, drawing on Title VII cases, that conduct that in fact demeans members of a protected group might qualify as discriminatory harassment even absent an intention to treat members of that group worse than others.[367] Professors Zachary D. Fasman and Samuel Estreicher similarly analogize to Title VII cases, which they read as suggesting that "the underlying motive of the harassers is not the issue" and "the focus is on the impact of the harasser's conduct on the members of the protected group."[368]

Testimony at the briefing and subsequent submissions from panelists raised two main points in response to this criticism of the motivation requirement applied in *StandWithUs* and *Gartenberg*. The first is that the argument rests on an uncertain analogy to a line of cases decided in the lower

---

[361] *See infra* note 325.
[362] Combined Jewish Philanthropies, "2025 Greater Boston Jewish Community Study," February 2026, p. 11, https://ma.cjp.org/hubfs/Boston_2025_Study_Report_Israel.pdf.
[363] *See* Arno Rosenfeld, "Most American Jews Aren't 'Zionist' — So What Are They?", *The Forward*, Feb. 11, 2026, https://forward.com/news/antisemitism-decoded/804502/american-jews-zionist-zionism-survey/.
[364] Gammill statement, *Antisemitism Briefing*, p. 2.
[365] *Infra* note 314. Although this language can also be read as compatible with an intent requirement, it (like some of OCR's other formulations) is ambiguous; *see* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI,* at 8.
[366] Gammill statement, pp. 6–7.
[367] Sachs, *Zionism and Title VI*, at 62–63. This possibility was also raised by Professor Eidelson. *See* Eidelson statement, p. 2 (describing the "most plausible argument" for a broader application of Title VI as "borrow[ing] from employment discrimination cases under Title VII—where courts have held, for instance, that a Black employee forced to work in an environment permeated with racial slurs might have a viable claim even if his co-workers never directed those slurs at him or otherwise singled him out for adverse treatment.").
[368] Zachary D. Fasman & Samuel Estreicher, *Anti-Zionism, Antisemitism and Title VI: College and University Responsibility for Campus Harassment of Jewish Students*, SSRN Working Paper No. 6038134 (July 14, 2025), https://ssrn.com/abstract=6038134.

courts under Title VII rather than Title VI.[369] That distinction may be significant because, whereas Title VII has always been read to encompass liability for some forms of unintentional discrimination, the Supreme Court has suggested that Title VI "reach[es] only . . . intentional discrimination,"[370] and the current position of the Justice Department agrees that "any version of imposing liability for unintentional discrimination is inconsistent with Title VI[]."[371] It is possible that the federal government had broader enforcement authority before it repudiated the disparate impact regulations that formerly extended the reach of Title VI (for purposes of government enforcement only).[372] In a written submission to the Commission, Dr. Goldfeder made the point that it would be "clear" that "anti-Zionist discrimination [would] function[] as anti-Jewish discrimination from an objective legal perspective, *under a disparate impact analysis*."[373] Given the recent rescission of disparate impact regulations, however, some have questioned whether an act by a peer could ever constitute actionable harassment under Title VI, absent an intention (i.e., motivation) to inflict some injury based on a protected characteristic.[374]

Second, assuming that the employment analogy is appropriate, scholars also differ about how it would apply. Professor Stephen Sachs and Professor Eidelson have both addressed this issue. Although they differ on other issues about anti-Zionism and Title VI, they identify the same cases as exemplifying the Title VII workplace harassment standard and appear to agree on what those cases require. Specifically, the cases "focus on what the challenged activity expresses about the protected group and whether that expression, viewed objectively and in context, rises to the level of altering someone's conditions of employment."[375] Professor Eidelson gave the example of "a woman whose male-dominated workplace is permeated with sexual remarks, obscene graffiti, and pornography," explaining that "[e]ven if none of this activity is directed at the plaintiff on the basis of sex (or even directed at her at all), courts have reasoned that it can create a sexually hostile environment for her if it was 'sexually demeaning' and 'conveyed a profound disrespect for women.'"[376] Professor Sachs, pointing to the same scenario of a workplace "permeated with gender-derogatory slurs" or other "gender-specific actions," reasons that "we're all more likely to

---

[369] *See* Eidelson statement, *Antisemitism Briefing*, pp. 2, 8–10; *see also*, Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, (The Supreme Court "has arguably sent mixed messages" about the validity of the theory in the Title VII context), at 8.
[370] *Alexander v. Sandoval*, 532 U.S. 275, 281 (2001) (first alteration in original) (quoting *Alexander v. Choate*, 469 U.S. 287, 293 (1985)).
[371] Rescinding Portions of the Department of Justice Title VI Regulations, 90 Fed. Reg. 57141, 57145 (Dec. 10, 2025) (to be codified at 28 C.F.R. pt. 42).
[372] *See* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 8–9; *see also,* U.S. Dep't of Education, 1994 Racial Incidents and Harassment Guidance, (grounding OCR's definition of racial harassment in the "implementing regulations at 34 CFR Part 100" as well as the statute).
[373] Goldfeder follow-up response, *Antisemitism Briefing*, p. 3 [on file] (emphasis added).
[374] *See* Eidelson statement, pp. 8–9.
[375] Ibid., p. 9.
[376] Ibid., pp. 9–10 (quoting *Petrosino v. Bell Atlantic*, 385 F.3d 210, 214–15, 222 (2d Cir. 2004)); *see also, Yuknis v. First Student*, 481 F.3d 552, 554 (7th Cir. 2007) ("A working environment may be deeply hurtful to women even though the men who created it were merely trying to please themselves, and were thus guilty of insensitivity rather than aggression.").

notice (and be offended by) slights that implicate our own identities as opposed to those of others."[377] Thus, as Sachs explains, the critical issue may be "whether the conduct . . . makes the [environment] uncomfortable . . . for a group whom the statute protects, not for some other group statistically represented therein."[378] In other words, "[t]he crucial through-line in these cases is an alignment between the class that is severely demeaned, the class that is protected by the statute, and the class to which the plaintiff belongs."[379]

Both Professors Eidelson and Sachs emphasize that this potential variant of a "hostile environment" claim is distinct from a "bare disparate impact claim"—that is, a claim based on "conduct that disproportionately offends members of a protected class not because it demeans that class, but because of attitudes or attachments that members of that class are more likely to share."[380] Rather, this claim would require that the conduct objectively express something profoundly demeaning about the class of people whom the statute protects—whether because the conduct is "sexually demeaning" under Title VII or, most relevantly here, because it is comparably demeaning of people of Jewish ancestry.[381] Under this understanding of the relevant cases, "antisemitic animus"[382] would not be required, but the conduct at issue still must "implicate" the offended students as members of a protected class—i.e., as people of Jewish ancestry—rather than as members of "some other group statistically represented therein."[383]

Witnesses at the briefing addressed different factual scenarios that might receive different analyses under this standard. On the one hand, Eidelson pointed to a Title VI finding based partly on a "study-in" where students displayed anti-Israel slogans (such as "Israel Bombs Harvard Pays" and "Justice for Palestine") on the backs of their laptops. He argued that "assuming (for the sake of argument) that the lack of any evidence of intent to offend Jewish students" is not decisive, "the Government would still need to explain why the objective meaning of these slogans is a severely offensive message *about Israeli people* or *about people of Jewish ancestry*," rather than one about "the undeniably legitimate topics of 'genocide,' 'Harvard,' 'Palestine,' and 'Israel.'"[384] He testified that such an explanation would be difficult to give because "the protesters' messages may have *offended* their peers, but they were not *about* their peers—not even as generic members of any racial or ancestral group."[385] On the other hand, Dr. Goldfeder argued for a different result in cases

---

[377] Sachs, *Zionism and Title VI*, 62-63.
[378] *Id*., at 63 (internal quotation marks and citation omitted).
[379] Eidelson statement, *Antisemitism Briefing*, p. 10.
[380] Ibid., pp. 10-11; *see also*, Sachs, *Zionism and Title VI*, at 62.
[381] *Petrosino*, 385 F.3d at 214–15, 222; *supra* note 376.
[382] *StandWithUs*, 158 F. 4th at 18.
[383] Sachs, *Zionism and Title VI*, at 63.
[384] Eidelson statement, *Antisemitism Briefing*, p. 10 (emphasis in original).
[385] Ibid., p. 10. In response to Commissioner questions, Professor Eidelson suggested that the same framework would apply to claims of a hostile environment on the basis of Israeli national origin. *See* Eidelson follow-up response, *Antisemitism Briefing*, pp. 1-2. Assuming that there is no requirement of discriminatory intent, "[d]emeaning generalizations *about Israelis* could satisfy that test—just as comparable generalizations about women, Jews, or Palestinians could. Even vitriolic and offensive criticism of *Israel*, however, would not." Ibid.

involving other "recognized symbols."[386] If a group of students "walked into a library holding nooses," he observed, "we would all immediately understand this as a hostile environment for Black students."[387] He explained that "when Jews on campus see the inverted red triangle of Hamas…which has said that [it] want[s] to kill Jews everywhere in the world, that is what [Jewish] students see and that is what they experience."[388] Interpreted in that way, such conduct could exhibit hostility toward peers as people of Jewish ancestry, regardless of anyone's views about Israel.

In summary, current law suggests that claims of a hostile environment for Jewish people must be based on activities that were motivated by hostility toward people of Jewish ancestry as such. Furthermore, when the activities in question concern Zionism or Israel, the courts have indicated that the threshold for a plausible claim requires specific allegations supporting an inference that the activities in question were motivated by antisemitism, rather than solely by anti-Zionism or hostility toward Israel. A contrary perspective contends that a hostile environment might be found to exist absent an anti-Jewish motivation if the conduct, however intended, objectively demeans fellow students as people of Jewish ancestry. However, even under this theory, it needs to be shown that the expression is demeaning of the protected class (i.e., people of Jewish ancestry) as such and not simply of ideas or institutions that members of that class are more likely than others to value. Finally, to the extent that the government once had the power to enforce disparate impact claims, the Trump Administration has rescinded the regulations permitting such actions brought by the government.

Objective Offensiveness and Context

When the required anti-Jewish motivation is established, the next question is whether the alleged harassment was so "objectively offensive" to a "reasonable person in [the victim's] position" that it "effectively bars [their] access to an educational opportunity or benefit."[389] The Supreme Court has stressed that what "rises to the level of actionable 'harassment'" under this standard "depends on a constellation of surrounding circumstances, expectations, and relationships,"[390] and that applying the standard requires "careful consideration of the social context."[391] Lower courts and commentators have also emphasized that the "objective" standard for offensiveness must be construed so as to "provide sufficient 'breathing space for First Amendment freedoms.'"[392] In recent cases and scholarly commentary concerning campus antisemitism, three features of the "surrounding circumstances" and "social context" have been singled out for particular emphasis.

---

[386] Goldfeder testimony, *Antisemitism Briefing*, p. 64.
[387] Ibid., p. 63.
[388] Ibid., p. 64.
[389] *Davis*, 526 U.S. at 633; *see, e.g.*, Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 12-15.
[390] *Davis*, 526 U.S. at 651 (quoting *Oncale*, 523 U.S. at 82).
[391] *Oncale*, 523 U.S. at 81.
[392] *Gartenberg*, 765 F. Supp. 3d at 263 (quoting Fallon, *infra* note 396, at 47); *see also,* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 12–13.

The first of these considerations is the distinctive setting of a college or university campus itself. As the court observed in *Gartenberg*, "the reasonable student expects (if not hopes) to encounter . . . the unfettered exchange of ideas concerning a wide range of controversial topics."[393] Courts have also reasoned that "colleges play a critical role in exposing students to the 'marketplace of ideas' and, as a result, First Amendment protections must be applied with particular vigilance in that context."[394] At the same time, some panelist testimony suggested that this heightened bar for qualifying harassment might vary across "campus settings" because "the standards might be different in a classroom from how they should be out on the quad"—reflecting the extent to which fellow students are a "captive audience" for unwelcome speech.[395]

A second factor often emphasized in applying the *Davis* standard is the distinction between individually targeted conduct and conduct addressed to the community at large. As noted above, the vast majority of Title VI harassment cases have involved narrowly targeted harassment of a particular student or small group of students. In the context of contemporary campus antisemitism claims, however, many of the allegations concern conduct—rallies, marches, chants, graffiti, and more—that, whether antisemitic or not, presents as addressed to the campus community (or the school administration) rather than anyone in particular.

Courts and scholars have suggested that First Amendment principles severely limit a school's potential obligation under Title VI to suppress this kind of speech. As Professor Richard Fallon explained in an important analysis of harassment law:

> Narrowly targeted, face-to-face expression has often received less constitutional protection than words and expressive conduct in other contexts. Speech of this kind is less likely to have public or political value than speech directed to larger audiences. Even more important, individually targeted, face-to-face speech is especially likely to have the purpose of being, and to be experienced as, invasive, threatening, or coercive. To cite just two familiar examples, lawyers may be forbidden to solicit clients in person, even if they might have a right to do so by mail, and vilification that would be constitutionally protected in public debate might constitute prohibited harassment if it occurred in a late-night telephone call.[396]

---

[393] *Gartenberg*, 765 F. Supp. 3d at 265; *see also, Id.* at 264 ("[T]he responsibility of courts to tread lightly when political speech is in the legal crosshairs is particularly important in the context of higher education.").
[394] *Husain v. Springer*, 494 F.3d 108, 121 n.11 (2d Cir. 2007) (citing *Healy v. James*, 408 U.S. 169, 180 (1972)).
[395] Michael Dorf, Robert S. Stevens Professor of Law, Cornell Law School*, Antisemitism Briefing*, p. 67 [hereinafter Dorf testimony].
[396] Richard H. Fallon, Jr., *Sexual Harassment, Content Neutrality, and the First Amendment Dog That Didn't Bark*, 1994 Sup. Ct. Rev. 1, 42 (1994); *see also* Eugene Volokh, *Freedom of Speech and Workplace Harassment*, 39 UCLA L. Rev. 1791, 1863–67 (1992).

Drawing on Fallon's analysis, the *Gartenberg* court distinguished between "targeted, personal harassment aimed at a particular person"[397] and "efforts to communicate a political message to the Cooper Union community at large."[398] As the court explained, "[t]he principle underlying this approach is that a reasonable person should distinguish between the abstract expression of offensive 'values, politics, and attitudes' on the one hand, and 'remarks that genuinely target and harass' individuals on the other."[399] At the public briefing, Professors Dorf, Lakier, and Volokh outlined a similar distinction between "one on one targeted speech"[400] or speech "targeted at a number of specific individuals,"[401] which could be regulated more aggressively consistent with the First Amendment, and speech "addressed at a general public audience,"[402] which could not be.[403]

Courts have also embraced a distinction along these same lines in the context of workplace harassment. As the Ninth Circuit put it, "racial insults or sexual advances *directed at particular individuals* in the workplace may be prohibited on the basis of their non-expressive qualities, as they do not 'seek to disseminate a message to the general public, but to intrude upon the targeted [listener], and to do so in an especially offensive way.'"[404] Notably, the court distinguished that sort of targeted speech from "standing on a soap box in a campus quadrangle and speaking to all within earshot"—where the "offensive quality" of the speaker's words would be "based entirely on their meaning, and not on any conduct or implicit threat of conduct that they contained."[405] While the Supreme Court as a whole has not directly addressed the intersection of the First Amendment and harassment liability, Justice Clarence Thomas has noted that "even those commentators who conclude the First Amendment generally permits application of harassment laws to workplace speech recognize exceptions where First Amendment interests are especially strong," citing Fallon's analysis as an example.[406]

---

[397] *Gartenberg*, 756 F. Supp. 3d at 265.
[398] *Id.* at 271; *see also Felber v. Yudof*, 851 F. Supp. 2d 1182, 1188 (N.D. Cal. 2011) (rejecting application of Title VI to "pure political speech and expressive conduct, in a public setting, regarding matters of public concern, which is entitled to special protection under the First Amendment").
[399] *Gartenberg*, 765 F. Supp. 3d at 265.
[400] Dorf testimony, *Antisemitism Briefing*, p. 70.
[401] Volokh testimony, *Antisemitism Briefing*, p. 67.
[402] Lakier statement, *Antisemitism Briefing*, p. 3.
[403] *See also,* Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, at 1044 ("Violent slogans not directed at particular students nor directly threatening campus violence ordinarily cannot create the sort of severe and pervasive hostile environment that would support a Title VI claim.").
[404] *Rodriguez v. Maricopa Cty. Community College Dist.*, 605 F.3d 703, 710 (9th Cir. 2010) (quoting *Frisby v. Schultz*, 487 U.S. 474, 486 (1988)); *see also* Rodney A. Smolla & Melville B. Nimmer, *Smolla & Nimmer on Freedom of Speech* §13:17 (2024) ("in the rare case in which the particular speech at issue does qualify [as expression on a matter of public concern], the [institution] should be exempted from [hostile environment] liability").
[405] *Rodriguez,* 605 F.3d at 710; *see also Yelling v. St. Vincent's Health System*, 82 F.4th 1329, 1345 (11th Cir. 2023) (Brasher, J., concurring) ("speech on public matters is inherently less likely to create a hostile work environment than speech on private matters").
[406] *Avis Rent A Car System, Inc. v. Aguilar,* 529 U.S. 1138, 1141 (2000) (Thomas, J., dissenting from denial of certiorari) (citing Fallon, *supra* note 396).

Although this exemption from harassment liability for activity addressed to the community at large enjoys broad support, its contours are not fully settled. In particular, the district court in *Gartenberg* suggested that the special insulation of broadly directed speech from hostile environment liability might be conditioned on meeting "reasonable social expectations" about the "manner" in which speech is conveyed, contrasting "a flier pinned to a bulletin board" with "vandalizing a hallway."[407] More broadly, the court reasoned that when speech is "so persistent or patently harassing that it could not be reasonably designed to contribute to reasoned debate," the First Amendment cost of requiring it to be suppressed is much diminished.[408] At the same time, the *Gartenberg* court—echoing Justice Neil Gorsuch—stressed that "[i]n our constitutional system of ordered liberty, the 'usual and preferred remedy under the First Amendment' to offensive—even grotesque—political expression has always been 'more speech.'"[409]

Where these first two contextual factors intersect—i.e., where the college or university context is at issue, and the speech or conduct in question is broadly addressed to the community at large—the bar for actionable harassment may be especially high. In a recent article, Professors Eidelson and Hellman suggest as much, describing a norm of "open expression in the university context" that "does not extend to literal 'harassment' in the sense of conduct that genuinely singles a fellow student out for insistent, personal abuse" but that otherwise holds that "the 'reasonable person' assumes the risk of being offended by others' political expression at a university."[410] At a minimum, they suggested, this kind of expression cannot constitute severe harassment "when the offensive activity can plausibly be understood as merely reckless with regard to the identity-related offense that others will justifiably take (rather than as aimed at provoking that response)."[411]

Finally, a third contextual factor emphasized in one recent academic commentary is "an overall violent climate for Jewish students around the country" since October 7, 2023.[412] Drawing on media reports, victims' allegations, and other sources, Professor David E. Bernstein collects "dozens" of incidents of violence suffered by Jewish students during this period, as well as many other acts that he classifies as threatening or intimidating.[413] As noted above, it is well settled that such violence or bullying, when motivated by a person's Jewish ancestry, can constitute actionable harassment. Professor Bernstein suggests, however, that the "constellation of surrounding circumstances" for assessing other acts of alleged harassment should incorporate students' concern that "what is threatened there can be threatened here."[414] At the same time, Bernstein also stresses

---

[407] *Gartenberg* 756 F. Supp. 3d at 266.
[408] *Id*.
[409] *Gartenberg v. Cooper Union for the Advancement of Sci. & Art.*, No. 24 Civ. 2669 (JPC), 2025 WL 602945 at 4 (S.D.N.Y. Feb. 25, 2025) (denial of reconsideration) (quoting *TikTok Inc. v. Garland*, 145 S. Ct. 57, 75 (2025) (Gorsuch, J., concurring in the judgment)).
[410] Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 14–15.
[411] *Id.*
[412] Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, p. 1013.
[413] *Id*., at 1030.
[414] Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, pp. 1025–26.

that "[v]iolent slogans not directed at particular students nor directly threatening campus violence ordinarily cannot create the sort of severe and pervasive hostile environment that would support a Title VI claim."[415]

In summary, establishing that alleged antisemitic harassment is sufficiently "severe, pervasive, and objectively offensive"[416] requires careful attention to social context, and two contextual factors raise significant hurdles for recent antisemitism claims based on anti-Zionist or anti-Israel activities. First, courts view the university itself as a context where students reasonably expect open expression of offensive ideas and where First Amendment protections should be applied with particular vigilance. Second, speech or expressive conduct broadly addressed to the community receives substantially greater constitutional protection than individually targeted harassment—meaning that rallies, chants, and similar expression directed at the community at large may be incapable of supporting Title VI liability even when deeply offensive. At the same time, some suggest that past acts of violence against Jewish students can also figure in the relevant context. Accordingly, the bar for actionable harassment is especially high when broadly directed political expression occurs in a university setting, and complainants face a demanding standard in demonstrating that such speech crosses from protected expression into conduct that effectively denies educational access.

University Response

Although peer harassment can create the background conditions for a Title VI violation, the Supreme Court has held that a university is ultimately responsible only for how it responds to actionable harassment if it emerges.[417] Moreover, the Court has held that statutes such as Title VI prohibit only intentional acts by the university.[418] Under this standard, a violation cannot rest on the fact that a university's response to harassment was unreasonable, ineffective, or even negligent.[419] The Court has held that "in certain limited circumstances," however, "deliberate indifference to known acts of harassment . . . amounts to an intentional violation."[420]

---

[415] *Id*., at 1044.
[416] *Davis*, 526 U.S. at 633.
[417] *See Davis*, 526 U.S. at 640–41, 644–45.
[418] *See Id*., at 643; *Alexander v. Sandoval*, 532 U.S. 275, 281 (2001).
[419] *See Davis*, 526 U.S. at 642 (explaining that, in opting for a deliberate indifference standard, "we declined the invitation to impose liability under what amounted to a negligence standard"); *Id.* at 649 (rejecting the possibility of "a mere 'reasonableness' standard").
[420] *Id*. At one time, OCR apparently took the position that the requirement of intentionality (and hence deliberate indifference) was distinctive to the context of private damages suits and was obviated, in the agency enforcement context, by other notice requirements and procedural protections that serve related purposes. *See* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 20–21. More recently, though, OCR has said that the "deliberate indifference" standard applies to its own enforcement as well. *See* Craig Trainor, former Acting Assistant Secretary, Office for Civil Rights, U.S. Dep't of Education, testimony, *Antisemitism Briefing*, p. 108 [hereinafter Trainor testimony]; U.S. Dep't of Health and Human Services, Office for Civil Rights & U.S. Dep't of Education, Office for Civil Rights, "Notice of Violation: Joint OCR and HHS OCR Notice of Violation to Columbia University," July 2025, https://www.hhs.gov/civil-rights/for-providers/compliance-enforcement/examples/national-

Courts, panelists, and commentators have pointed to several obstacles to establishing "deliberate indifference," especially in the present context. The first is simply the very high bar articulated by the Supreme Court. When the Court held in *Davis v. Monroe County Board of Education* that a school could be liable for tolerating peer harassment, it responded to the dissenters' concerns by "stress[ing]" how little the statute should actually be understood to require of schools in this area.[421] It explained that, contrary to the dissenters' fears, the *Davis* standard does not "require funding recipients to remedy peer harassment . . . [or] to ensure that students conform their conduct to certain rules."[422] It underscored that "courts should refrain from second-guessing the disciplinary decisions made by school administrators" and that victims of peer harassment have no "right to make particular remedial demands."[423] The "deliberate indifference" standard has thus been viewed as principally addressed to "clearly unreasonable"[424] cases like *Davis* itself—where "a fifth-grade boy waged a months-long campaign of sexual harassment against a girl who sat next to him in class, [and] the school did almost nothing."[425] Although lower courts have elaborated the standard in different ways, a prominent academic analysis of decided Title IX cases reported that "[s]chools are routinely found sufficiently responsive to reported sexual harassment as not to be deliberately indifferent when they do almost nothing about it."[426]

A second obstacle is that, much as with the definition of actionable harassment, courts have held that "the First Amendment counsels in favor of an even more limited application of the already strict deliberate indifference standard" when enforcement might chill political expression.[427] Because the government may not "conscript private institutions to act as censors by dangling the threat of civil liability for a hostile environment," the First Amendment "'demands substantial deference to a college's decision not to take action against' students who engage in expressive activity on matters of public concern."[428] In other words, courts must "'defer to colleges' decisions to err on the side of academic freedom.'"[429] Whereas a grade school's failure to take action against

---

origin/ocr-joint-notice-of-violation-to-columbia/ (accessed June 29, 2026) (stating that "Columbia University only violates Title VI if [it] acted with deliberate indifference toward the hostile environment created by its students.").

[421] *Davis*, 526 U.S. at 648. Justice Kennedy's dissent (joined by Chief Justice Rehnquist, Justice Scalia, and Justice Thomas) argued that the statute does not support liability based on peer harassment at all and that the majority's ruling would pressure schools to define harassment broadly for fear of future litigation.

[422] *Id*. (internal quotation marks and alterations omitted).

[423] *Id*.

[424] *Id*.

[425] *Foster v. Board of Regents of Univ. of Michigan*, 982 F.3d 960, 965 (6th Cir. 2020) (en banc); *see Id.* at 967–68 (summarizing similar cases in which courts have recognized "a cognizable claim of deliberate indifference" under *Davis*); *see also Santiago v. Puerto Rico*, 655 F.3d 61, 73 (1st Cir. 2011) (noting that "[t]he deliberate indifference standard has considerable bite" as a constraint on liability); *Landau v. Corp. of Haverford College*, 789 F. Supp. 3d 401, 421 (E.D. Pa. 2025) ("College administrators need not be perfect. They need not even be good. They just need to behave in a way that is not clearly unreasonable in light of the circumstances known at the time.").

[426] Catharine A. MacKinnon, *In Their Hands: Restoring Institutional Liability for Sexual Harassment in Education*, 125 Yale L.J. 2038, 2079 (2016).

[427] *StandWithUs,* 165 F.4th at 102 (Dunlap, J., concurring in denial of rehearing en banc); *see also, Gartenberg*, 765 F. Supp. 3d at 266.

[428] *Gartenberg,* 765 F. Supp. 3d at 266-77 (quoting *Rodriguez,* 605 F.3d at 708-09).

[429] *Gartenberg*, 765 F. Supp. 3d at 267 (quoting *Rodriguez*, 605 F.3d at 708–09).

a student who sexually harasses a classmate might well support an inference of deliberate indifference to that harassment—because any reasonable actor would intervene—the same is not true when a university determines how to enforce rules regarding the use of campus spaces in light of its academic mission and competing claims of different groups. Relatedly, because *Davis* requires "deliberate indifference to known acts of sexual [or other qualifying] harassment,"[430] the same uncertainties that make it difficult for plaintiffs to establish in court that nominally anti-Zionist conduct was motivated by anti-Jewish attitudes may make it even more difficult to demonstrate that university administrators knew the conduct was motivated in that way when they decided how to respond to it.

Finally, the nature of the college or university environment shapes what *Davis* called "the practical realities of responding to student behavior."[431] As Judge Sutton explained in an *en banc* opinion for the Sixth Circuit, "deliberate indifference claims have special resonance when the school 'exercises substantial control over both the harasser and the context in which the known harassment occurs,' as in an elementary school," but "universities differ from grade schools when it comes to the control they have over students."[432] Professor Todd Pettys has similarly suggested that because college or university students are adults and "come to campus as peers . . . [i]n their dealings with one another, students usually can be expected to protect themselves with the same kinds of self-help strategies they use when managing interpersonal conflicts in the larger community."[433]

Although these obstacles have led courts to reject many claims of deliberate indifference to anti-Jewish harassment since October 7th,[434] some claims have moved forward. In *Gartenberg v.*

---

[430] *Davis*, 526 U.S. at 647 (emphasis added); *see Id.* at 648 ("known acts of peer sexual harassment"); *Id.* at 644 ("known acts of sexual harassment").
[431] *Davis*, 526 U.S. at 653.
[432] *Foster*, 982 F.3d at 970. Expanding on this point, Professors Eidelson and Hellman explain: "In the K-12 context, the Court suggested that school officials could fairly be held responsible for their inaction in the face of a student's harassment because they wield 'comprehensive authority . . . to prescribe and control conduct in the schools'—power 'that could not be exercised over free adults.' As the Court therefore also acknowledged in passing, universities exercise vastly less control over the conduct of their vastly greater numbers of students, all of whom are adults rather than children. Especially at moments of intense group conflict in the wider world, it is thus possible that peer harassment, perhaps even rising to the level of a hostile environment, could exist and that a university could nonetheless have done all that it could reasonably be expected to do to protect adults from one another's hostile sentiments in social life." Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI*, at 21.
[433] Todd E. Pettys, *Hostile Learning Environments, the First Amendment, and Public Higher Education*, 54 Conn. L. Rev. 1, 21–22 (2022); *see also Davis*, 526 U.S. at 668 (Kennedy, J., dissenting) (faulting the majority for failing to "recognize the obvious limits on a university's ability to control its students as a reason to doubt the propriety of a private cause of action for peer harassment" but underscoring that the majority still "uses them as a factor in determining whether the university's response was reasonable").
[434] *See, e.g.*, *StandWithUs*, 158 F.4th at 22 ("MIT's response to the political divide among its students was far from 'clearly unreasonable.'"); *Landau*, 789 F. Supp. 3d at 423 (concluding that plaintiffs' allegations did not "plausibly support a finding of deliberate indifference, especially where countervailing First Amendment concerns are considered in evaluating the often-fragile balance college administrators must strike"); *Yakoby v. Trs. of the Univ. of Pa.*, No. 23-4789, Doc. 72, at 13–14 (E.D. Pa. June 2, 2025) ("Deliberate indifference is a very high bar and Plaintiffs' dissatisfaction with Penn's responses is not enough to establish there was an official decision by Penn to

Cooper Union the court rejected many of the plaintiffs' allegations about Cooper Union's deficient response as efforts to "impos[e] liability for a hostile environment on a private college for its judgment about what its students should be taught or allowed to say on matters of political significance."[435] The court also held, however, that there was at least an unresolved factual question about deliberate indifference with respect to other conduct—first and foremost, the college's alleged total failure to protect Jewish students from a spiraling incident in which screaming protesters tried to force their way into a library where Jewish students had become trapped. ("[M]ost alarmingly," the court noted, the college president had allegedly directed police officers to "stand down," without taking any other "steps to end the abuse."[436]) In another case a district court held that plaintiffs had sufficiently alleged deliberate indifference on Harvard's part because the university's reaction to antisemitic incidents, as described by the plaintiffs, was "indecisive, vacillating, and at times internally contradictory."[437] The court's approach was distinctive in that it declined to consider the university's arguments based on the First Amendment (or an "interest of protecting free speech") before denying the university's motion to dismiss, instead deeming those issues "best reserved for a later day."[438] Since that time, however, that approach has been rejected by the First Circuit.[439]

Title VI Enforcement

Title VI provides that all federal agencies empowered to provide financial assistance to programs or activities at educational institutions may "effectuate" the nondiscrimination mandate by issuing "rules, regulations, or orders of general applicability," consistent "with achievement of the objectives of the statute authorizing financial assistance."[440] However, under Title VI, agencies must obtain presidential approval to issue those regulations; that approval has been delegated to the Attorney General.[441] Agencies (primarily OCR) can legally terminate federal funding if and only if they follow a set of congressionally mandated procedures (detailed below). The statute further holds that funding termination must be "limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found."[442]

---

not remedy a Title VI violation and that this deliberate indifference effectively caused racial discrimination"); *see also, Felber*, 851 F. Supp. 2d at 1188 (plaintiff failed to "show how [U.C. Berkeley] have acted with 'deliberate indifference; in ignoring wrongful conduct . . . not amounting to protected speech").

[435] *Gartenberg*, 765 F. Supp. 3d at 275.

[436] *Id*. at 276.

[437] *Kestenbaum*, 743 F. Supp. 3d at 309.

[438] *Id*. Because the case settled after the motion to dismiss was denied, these further proceedings never took place. As described above, the *StandWithUs* ruling has since articulated a different approach to the intersection of Title VI and the First Amendment for future cases in the same jurisdiction.

[439] *See StandWithUs*, 158 F. 4th at 12-13.

[440] 42 U.S.C. §2000d-1.

[441] 42 U.S.C. §2000d-1; *see* Exec. Order No. 12,250, 45 Fed. Reg. 72,995 (Nov. 4, 1980)*; see also,* the discussion in Chapter 4 of DOJ's supervisory role for Title VI.

[442] 42 U.S.C. §2000d-1.

The procedures, which several federal appellate courts have found to be "mandatory,"[443] exhibit what legal scholars Goldberg and Johnson describe as "Congress' caution in allowing the executive branch termination power."[444] This caution was reflected in debates during the drafting of Title VI about the tradeoffs between government overreach and the need to ensure that educational institutions were complying with federal law. In particular, lawmakers at the time increasingly recognized the need for a federal law to compel schools to desegregate.[445] Critics worried that funding termination authority would give the executive branch too much power, which it could later use arbitrarily to pause or withdraw funding from educational institutions for political reasons.[446] As a compromise, the final version of Title VI contained both the multi-stage process and program-focused specification for funding termination: the law provided a series of safeguards against capricious political use while ensuring that the core aim of Title VI—schools free from discrimination—could be achieved primarily through voluntary means.[447]

The funding termination steps detailed in the statute are as follows:

- The program or activity subject to potential funding termination must be notified of the "failure to comply" by the relevant agency, which must also "determine[] that compliance cannot be secured by voluntary means";
- Agencies must provide an "express finding on the record, after opportunity for hearing, of a failure to comply with such requirement;"[448]
- Agencies must "file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and grounds for such action";
- And funding termination must not occur until at least thirty days after this report has been filed. [449]

Agency regulations "echo and expand upon the statutory requirements"[450] and are further detailed in Chapter 4.

---

[443] Congressional Research Service, "Enforcing the Antidiscrimination Mandates of Title VI and Title IX: Executive Agency Options and Procedures," LSB11316, May 27, 2025, p. 2, https://www.congress.gov/crs-product/LSB11316; *see also, Caulfield v. Bd. of Educ. of the City of New York,* 583 F.2d 605 (2d Cir. 1978); *Bd. of Pub. Instr. of Palm Beach Cty., Fla. v. Cohen,* 413 F.2d 1201 (5th Cir. 1969); *Bakersfield City Sch. Dist. of Kern Cty. v. Boyer,* 610 F.2d 621 (9th Cir. 1979).
[444] Goldberg & Johnson, *Campus Crises and the Limits of Title VI* at 23.
[445] *See* Halpern, *On the Limits of the Law* at 30–39.
[446] Ibid; *see also* Goldberg & Johnson, *Campus Crises and the Limits of Title VI* at 23–25, especially n.85.
[447] Halpern, *On the Limits of the Law* at 30–39; *see also,* Goldberg & Johnson, "Campus Crises and the Limits of Title VI," pp. 23–26; Ibid., pp. 25–27 (on the "positive aspiration" of Title VI).
[448] The requirement of an express finding on the record also "triggers the Administrative Procedure Act's (APA's) requirements for formal adjudications." *See* Congressional Research Service, "Enforcing the Antidiscrimination Mandates of Title VI and Title IX," p. 2.
[449] 42 U.S.C. §2000d-1.
[450] Congressional Research Service, "Enforcing the Antidiscrimination Mandates of Title VI and Title IX," p. 2. For example, OCR's Case Processing Manual details additional steps and suggests a ninety-day period for negotiations

Taken together, these steps ensure, as Professor Michael Dorf testified before the Commission, that "the hammer of a federal funding cutoff would be used only very sparingly and as a last resort."[451] One way to understand these requirements is that Congress reserved the power of cutting federal funding for itself (given its power of the purse, detailed in Article 1 of the Constitution[452]) while designating specific procedures governing when and how the president could do so.[453]

Another aspect of these procedures bearing emphasis is the requirement that funding terminations apply only to the specific program or activity found to be in violation of Title VI, also known as the "pinpoint provision."[454] This provision ensures that the broader goal of Title VI would be affirmed through the limitation of any possible harm done by funding termination. Because the ultimate aim of Title VI is to ensure equal access to education, large-scale defunding could undermine that aim by reducing access to education for a large number of students, perhaps including those initially subjected to discrimination.[455] Targeted funding cutoffs, on the other hand, restrict any potential harm to only those programs or activities in question.

As the statutory language and procedures indicate, however, the primary aim of the potential of funding termination was to encourage voluntary compliance through negotiated resolution agreements between federal agencies (typically OCR) and schools.[456] Craig Trainor, former Acting Assistant Secretary of OCR in 2025, emphasized in his testimony before the Commission the value of resolution agreements. He stated that his oversight of revisions to OCR's Case Processing Manual (CPM)[457] was intended to ensure robust and effective resolution agreements that would be "crafted to ensure accountability through measured, meaningful changes to campus policies and practices and strong emphasis on compliance."[458] Such resolution agreements and other forms of

---

(while noting the statutory thirty-day minimum) *see* U.S. Dep't of Education, Office for Civil Rights, "Case Processing Manual,: Feb. 19, 2025, pp. 17–19, https://www.ed.gov/media/document/ocr-case-processing-manual-us-department-of-education-office-civil-rights-33891.pdf (accessed June 30, 2026).

[451] Michael Dorf, Robert S. Stevens Professor of Law, Cornell Law School, written statement, *Antisemitism Briefing*, p. 5 [hereinafter Dorf statement]; *see also, President & Fellows of Harvard Coll. v. United States Dep't of Health & Hum. Servs.*, 798 F. Supp. 3d 77, 125-26 (D. Mass. 2025).

[452] U.S. Const. art. I, § 8, cl. 1.

[453] *See* Michael Dorf, Robert S. Stevens Professor of Law, Cornell Law School, supplemental submission, *Antisemitism Briefing*, p. 6 [hereinafter Dorf supplemental].

[454] On the pinpoint provision, *see* Goldberg & Johnson, "Campus Crises and the Limits of Title VI," at 24 & n. 87. Note that while the Civil Rights Restoration Act of 1987 amended Title VI to provide that when any part of an educational institution received funds, the entire institution was covered by Title VI, Congress did not alter the pinpoint provision for purposes of funding termination; *see* S. Rep. No. 100-64, at 20 (1987).

[455] 42 U.S.C. § 2000d-1 (termination "shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found"); *see also,* Congressional Research Service, "Enforcing the Antidiscrimination Mandates of Title VI and Title IX," pp. 1–2; *see also* Silverman statement, *Antisemitism Briefing*, pp. 4-7.

[456] Goldberg & Johnson, "Campus Crises and the Limits of Title VI," pp. 24–25.

[457] U.S. Dep't of Education, Office for Civil Rights, "Case Processing Manual," Feb. 19, 2025, https://www.ed.gov/media/document/ocr-case-processing-manual-us-department-of-education-office-civil-rights-33891.pdf (accessed Apr. 19, 2026).

[458] Craig Trainor, former Acting Assistant Secretary, Office for Civil Rights, U.S. Dep't of Education, written statement, *Antisemitism Briefing*, pp. 3–4 [hereinafter Trainor statement]. Trainor also critiqued resolution

voluntary compliance—as opposed to funding termination—have served as the primary method for agencies to effectuate Title VI's nondiscrimination aims. Political scientist Stephen Halpern, as well as a 1981 report by this Commission, documented a number of funding terminations in the 1960s for K-12 schools to ensure admission for Black students.[459] However "[t]here is no evidence that funds were ever terminated to an institution because of a hostile educational environment."[460] This indicates that historically funding termination has served as a tool for desegregation but not for addressing discriminatory harassment allegations. Since 2025, however, the Trump administration has paused or withdrawn funding from multiple academic institutions and, as some courts have found, seemingly without following mandated statutory procedures.[461]

In sum, funding termination has been infrequently used across Title VI's history and has rarely, if ever, been used in cases of discriminatory harassment. Indeed, its rarity led the Commission in 1974, for example, to criticize what it viewed at the time as an insufficiently effective federal enforcement process. In its report, *The Federal Civil Rights Enforcement Effort—1974, Volume VI: To Extend Federal Financial Assistance*, the Commission contended that "fund termination can be extremely effective" in establishing educational equality for minority and women students in particular.[462] Alternatively, a more contemporary criticism of Title VI enforcement focuses on the increasingly frequent use of resolution agreements. This concern highlights that resolution agreements are typically grounded in nonbinding OCR guidance that, while purporting to clarify existing statutory and case law obligations, may in practice draw schools into commitments that OCR could not compel through formal enforcement proceedings and that courts might not sustain if challenged.[463] Although schools are not formally required to enter into such agreements, the practical alternative—an open-ended OCR investigation or private litigation—carries sufficient cost and reputational risk that voluntary compliance is effectively unavoidable.[464] This dynamic, as Professors Gersen and Suk Gersen have noted, insulates OCR from legal accountability while

---

agreements made under the Biden Administration for allow[ing] covered institutions to escape accountability for tolerating extensive antisemitic harassment and violence"; *see* Trainor statement, *Antisemitism Briefing*, p. 4.

[459] Halpern, *On the Limits of the Law* at 49, 55; U.S. Commission on Civil Rights, *Civil Rights: A National, Not a Special Interest* (1981), p. 106, https://www.usccr.gov/files/historical/1981/81-010.pdf.

[460] Goldberg & Johnson, "Campus Crises and the Limits of Title VI," p. 25.

[461] *See, e.g.*, *President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 125–26 ("It is undisputed that Defendants did not comply with these requirements before issuing the Freeze Orders or Termination Letters. The administrative record contains no evidence of a notice of noncompliance, an assessment that compliance could not be achieved by voluntary means, a hearing, a finding on the record, or a report to Congress."); *Am. Ass'n of Univ. Professors v. Trump*, 815 F. Supp. 3d 907 (N.D. Cal. 2025), *appeal dismissed*, No. 26-263, 2026 WL 1049175 (9th Cir. Feb. 11, 2026); *Am. Fed'n of Tchrs. v. Dep't of Educ.*, 796 F. Supp. 3d 66, 104 (D. Md. 2025) (concluding that the federal government's actions violated the APA).

[462] U.S. Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1974, Volume VI: To Extend Federal Financial Assistance*, 1975, pp. 16–21, 384, https://www.usccr.gov/files/historical/1975/75-016.pdf; *see also*, p. iii (on the racial and gender foci orienting the Commission's Title VI enforcement concerns).

[463] Gersen and Suk Gersen, *The Six Bureaucracy* at 20-24.

[464] Gersen and Suk Gersen, *The Six Bureaucracy* at 12-16.

leaving schools exposed to lawsuits from students disciplined under policies that agency guidance inspired but may prove inconsistent with Title VI or First Amendment protections.[465]

The varied and sometimes paradoxical criticisms of Title VI since its enactment have raised questions about the statute's effectiveness in addressing complex scenarios, like campus protests and allegations of antisemitism in protest contexts. Professor Suzanne Goldberg has argued that "low-grade harassment"[466] (such as microaggressions, interactions reflecting implicit bias, or statements and attitudes that may make certain students uncomfortable) falls below the threshold of actionability under many civil rights laws.[467] Goldberg and Professor Olatunde Johnson further contend that because Title VI sets too high a bar to address such conduct, and because significant and new questions—detailed throughout this chapter—surround its coverage of discriminatory harassment in protest settings, the statute should be supplemented with affirmative, non-punitive strategies.[468] These could include options like school-driven community-building efforts that cultivate students' capacity for engagement across difference, and informal conflict-resolution mechanisms that can address incidents that neither rise to a Title VI violation nor warrant formal disciplinary proceedings.[469]

[465] Ibid.
[466] This term was introduced by Suzanne Goldberg in *Harassment, Workplace Culture, and the Power and Limits of Law*, 70 Am. U. L. Rev. 387 (2020).
[467] Goldberg & Johnson, *Campus Crises and the Limits of Title VI* at 5.
[468] Goldberg & Johnson, *Campus Crises and the Limits of Title VI* at 39.
[469] Goldberg & Johnson, *Campus Crises and the Limits of Title VI* at 39-53.

CHAPTER 3: Alleged Incidents of Antisemitism on Select University Campuses

The purpose of this report is to investigate antisemitism on college and university campuses. The sample of universities discussed in this chapter are used to highlight the problem of antisemitic incidents and how universities respond. These universities were not selected to evaluate or single out their particular responses to campus antisemitism. Rather, they are used to provide a more detailed view of how some institutions have experienced and approached the issue. The sections below therefore focus on common themes that emerged across institutions and use specific examples to illustrate those themes. Where available, complaint data and the Department of Education's (ED) Office for Civil Rights (OCR) cases are presented by institution to provide additional context. The Commission sent interrogatories and document requests to nine sample universities in September 2025. Though we received at least one response document from each sample university, there is substantial heterogeneity in what they shared. Therefore, information in this chapter is based on information from their responses to the Commission's discovery requests as well as publicly available information.

Sample of University Campuses

Commissioners selected nine universities on which to conduct an in-depth study of antisemitic incidents and institutional responses. Although these universities were not randomly selected and cannot be generalized to all U.S. universities, their experiences and responses to antisemitic incidents are intended to add nuance to information about how such incidents have occurred and been addressed on some campuses. The sample universities vary in type (i.e., public and private), student body size, geography, cost, selectivity, and student demographics.

Four of the five public schools in the sample are the flagship campus in their respective university systems:

- Arizona State University in Tempe (ASU)[470]
- Rutgers University-New Brunswick (Rutgers)[471]
- University of Minnesota Twin Cities (UMN)[472]
- University of North Carolina at Chapel Hill (UNC)[473]

The final public university, University of California, Los Angeles (UCLA), is one of 10 campuses in the University of California system.[474] The four private universities are also regionally diverse:

[470] Arizona State University, "One University, Many Places," https://www.asu.edu/about/locations-maps.
[471] Rutgers University-New Brunswick, "Our Flagship Location," https://www.rutgers.edu/new-brunswick.
[472] University of Minnesota, "History," https://twin-cities.umn.edu/about-us/history.
[473] University of North Carolina System, "About Us," https://www.northcarolina.edu/about-us/.
[474] University of California, "Campuses & Locations," https://www.universityofcalifornia.edu/campuses-locations.

- Cornell University in Ithaca, New York (Cornell)[475]
- Stanford University in Palo Alto, California (Stanford)[476]
- Vanderbilt University in Nashville, Tennessee (Vanderbilt)[477]
- Washington University in St. Louis, Missouri (WashU)[478]

School Characteristics

Both public and private universities are included in the sample because they receive federal funding through student financial aid,[479] research grants,[480] and federal programs like Title VI.[481] Public universities are distinct from private universities because they are largely state funded so are ultimately accountable to the state legislature.[482] State lawmakers appoint members to the governing board of public universities, whereas board members of private universities are typically determined internally.[483] Like other U.S. universities, the sample universities have a primary governing board and a chief administrator (i.e., president or chancellor) who serves as the public-facing university manager.[484] Table 3.1, below, shows the name of each president or chancellor, as well as the dates they started their respective positions. Notably, six of the nine sample universities have had a change in leadership since the Hamas terrorist attack in Israel on October 7, 2023.

[475] Cornell University, "Locations," https://www.cornell.edu/about/locations/ithaca/.
[476] Stanford University, "Academics," https://www.stanford.edu/academics/.
[477] Vanderbilt University, "Quick Facts," https://www.vanderbilt.edu/about/quick-facts/.
[478] Washington University in St. Louis, "University Facts," https://washu.edu/about-washu/university-facts/.
[479] Jason Cohn, "How Much Federal Funding Do Colleges and Universities Receive?," Urban Institute, May 2025, https://www.urban.org/urban-wire/how-much-federal-funding-do-colleges-and-universities-receive.
[480] National Academies Press, "Optimizing the Nation's Investment in Academic Research: A New Regulatory Framework for the 21st Century," 2016, https://www.ncbi.nlm.nih.gov/books/NBK373552/.
[481] U.S. Dep't of Education, "Title VI," https://www.ed.gov/laws-and-policy/civil-rights-laws/title-vi.
[482] Urban Institute, "Understanding College Affordability: State and Local Appropriations," https://collegeaffordability.urban.org/cost-of-educating/appropriations/#/.
[483] Kathy Johnson Bowles, "Boards: Who's Really in Charge?," *Inside Higher Ed*, Nov. 2021, https://www.insidehighered.com/blogs/just-explain-it-me/boards-who%E2%80%99s-really-charge.
[484] John V. Lombardi, *How Universities Work*, (Baltimore: Johns Hopkins University Press, 2013).

Table 3.1: Governance and Leadership of Sample Universities

	University System's Governing Board	Campus President (P) or Chancellor (C)	President or Chancellor Start Date
Public			
ASU	Board of Regents	Michael M. Crow (P)	July 2002
Rutgers	Board of Governors	William F. Tate IV (P)	July 2025
UCLA	Board of Regents	Julio Frenk (C)	June 2025
UMN	Board of Regents	Rebecca Cunningham (P)	July 2024
UNC	Board of Governors	Lee H. Roberts (C)	August 2024
Private			
Cornell	Board of Trustees	Michael I. Kotlikoff (P)	March 2025
Stanford	Board of Trustees	Jonathan Levin (P)	August 2024
Vanderbilt	Board of Trust	Daniel Diermeier (C)	July 2020
WashU	Board of Trustees	Andrew D. Martin (C)	July 2018

Additional sample university characteristics are shown below in Table 3.2. The largest university in this sample is ASU, which had almost 80,000 students in 2023. The smallest school in the same year was Vanderbilt (13,456 students). The cost to attend a private university is substantially higher than that to attend a public university for in-state students. Most private schools are also more selective than public schools. UCLA is an exception. Though it is a public university, UCLA admitted just 9% of applicants for the 2023-2024 school year. The majority of undergraduate students at all sample universities graduate within six years; over 90% graduate within six years at all private universities and UNC.

Table 3.2: Characteristics of Sample Universities, Fall 2023

	ASU	Cornell	Rutgers	Stanford	UCLA	UMN	UNC	Vanderbilt	WashU
Type	Public	Private	Public	Private	Public	Public	Public	Private	Private
Region	SW	NE	NE	W	W	MW	S	S	MW
Admitted Applicants	90%	8%	65%	4%	9%	77%	19%	6%	12%
In-State Cost	$33,270	$88,140	$37,717	$87,833	$38,031	$32,866	$26,109	$89,590	$88,488
6-year Graduation Rate (Bachelor's)	66%	94%	84%	96%	92%	84%	92%	93%	93%
Total Students	79,593	26,264	50,617	18,446	46,678	54,890	32,234	13,456	16,500
Men	52.4%	47.0%	45.9%	52.3%	42.3%	44.6%	39.5%	44.4%	47.4%
Women	47.6%	53.0%	54.1%	47.7%	57.7%	55.4%	60.5%	55.6%	52.6%
U.S. Nonresident	15.5%	25.7%	9.9%	25.1%	13.6%	9.5%	7.7%	12.9%	27.4%
Race/Ethnicity									
American Indian/ Alaska Native	1.0%	0.2%	0.1%	0.4%	0.2%	0.4%	0.3%	0.3%	0.1%
Asian	8.3%	18.9%	28.7%	21.7%	26.6%	11.2%	12.9%	13.4%	13.9%
Black or African American	3.9%	5.9%	7.8%	5.8%	3.6%	7.2%	8.6%	9.3%	7.2%
Hispanic/Latino	22.8%	11.2%	14.9%	12.8%	20.7%	6.1%	9.1%	9.9%	8.6%
Native Hawaiian/ Pacific Islander	0.2%	0.1%	0.1%	0.1%	0.2%	0.1%	0.0%	0.2%	0.0%
White	40.3%	28.9%	32.9%	24.8%	25.7%	56.2%	54.5%	46.5%	35.9%
Two or More	4.5%	4.2%	3.4%	6.7%	6.6%	4.6%	4.8%	4.8%	4.9%
Unknown	3.5%	4.9%	2.3%	2.5%	2.8%	4.8%	2.1%	2.7%	1.9%

Source: National Center for Education Statistics, Integrated Postsecondary Education Data System (IPEDS), https://nces.ed.gov/ipeds.

Table 3.2 also shows student demographics. Women comprise a slight majority of students at sample schools other than ASU and Stanford. There is a range of ethnoracial diversity in the student body of sample universities. White students are the largest racial group at all universities in this study, though they are only a majority (i.e., >50%) of students at UMN and UNC. Asian students are the second largest racial group at eight universities; Hispanic students are the second largest group at ASU. There is also heterogeneity in the share of international students by campus. Over a quarter of students at Cornell, Stanford, and WashU are not U.S. residents compared to fewer than 10% of students at UNC, UMN, and Rutgers.

Campus Jewish Experience

While some universities might collect optional data about religious affiliation from students, those demographics are not available on the sample universities' websites.[485] However, Hillel

[485] Colleges and universities may not have data about student religion as creating a list that would allow individual students to be identified as Jewish could be dangerous. *See* Alice Speri, "UPenn Faculty Condemn Trump

International (Hillel) collects and disseminates information about Jewish religious affiliation of the student population. Hillel is a Jewish campus organization that serves over 850 campuses, including the sample universities.[486] Their data about Jewish student enrollment and the availability of services for Jewish students is shown in Table 3.3 (below).

Table 3.3: Jewish Students and Experiences by University, Hillel International

	ASU	Cornell	Rutgers	Stanford	UCLA	UMN	UNC	Vanderbilt	WashU
Enrollment									
Undergraduate	5.4%	20.1%	17.0%	7.9%	9.3%	4.4%	4.9%	15.3%	22.2%
Graduate	2.4%	4.7%	7.0%	11.2%	3.3%	0.3%	2.6%	3.1%	0.0%
Total	4.9%	13.0%	14.2%	9.8%	7.1%	3.1%	4.0%	9.6%	10.8%
Experience									
Jewish Studies Offered	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Religious Services	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Hillel Rabbi/Jewish Educator	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes
Hillel Mental Health/Wellness	Yes	No	No	No	No	No	No	No	No
Kosher Food Available	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Birthright Israel Participation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

Source: Hillel International, "Compare Colleges," https://www.hillel.org/compare-colleges.

Though there is variation in the Jewish undergraduate population, from 4.4% at UMN to 22.2% at WashU, each of the sample universities is in Hillel's "Top 60 by Jewish Population" category.[487] Stanford is the only sample university with a larger share of Jewish graduate students than undergraduate students. Each sample university offers Jewish studies as a major, minor, or both. Through Hillel, each also has religious services and Birthright Israel trip participation.[488] Seven sample universities have a Hillel rabbi or Jewish educator on campus. ASU is the only sample university with mental health or wellness staff provided through Hillel.

Despite the fact that all sample universities have a relatively high share of Jewish students (see Table 3.3), there is heterogeneity in antisemitic incidents by university. As discussed in Chapter 1, there is not a single, comprehensive way to measure antisemitism or individuals' experiences of

Administration's Demand for 'Lists of Jews,'" *Guardian*, Jan. 13, 2026, https://www.theguardian.com/us-news/2026/jan/13/upenn-trump-jews-list.

[486] Hillel International, "Belonging," https://www.hillel.org/our-impact/.

[487] Hillel International, "Compare Colleges," https://www.hillel.org/compare-colleges/.

[488] Hillel International, "Birthright Israel Trip," https://www.hillel.org/birthright-israel-trip/.

antisemitism.[489] One main way that antisemitic incidents are captured and disseminated is through data collected by Jewish nonprofit organizations, such as the Anti-Defamation League (ADL). Though ADL's methodology cannot yield a perfect reflection of all antisemitic events, its research is the primary way trends in antisemitism are understood.[490] ADL collects data on antisemitism through its annual "Audit of Antisemitic Incidents in the U.S."[491] The organization collected additional data from 135 higher education institutions to create a "Campus Antisemitism Report Card" for 2024 and 2025.[492] Table 3.4, below, shows ADL's grades for the sample universities for 2024 and 2025, as well as assessment criteria for 2025.

Table 3.4: ADL Report Card Grades for Sample Universities

	2024 Grade	2025 Grade	Publicly Disclosed Administrative Actions	Jewish Life on Campus	Campus Conduct and Climate Concerns
ASU	C	A^	Above Expectations	Excellent	Low to None
Cornell	D	C^	Above Expectations	Excellent	High
Rutgers	D	D	Above Expectations	Excellent	High
Stanford	D	C^	Above Expectations	Excellent	High
UCLA	F	D^	Above Expectations	Excellent	High
UMN	--	C	Above Expectations	Excellent	High
UNC	F	C^	Above Expectations	Excellent	High
Vanderbilt	C	A^	Meeting Expectations	Excellent	Low to None
WashU	B	B	Meeting Expectations	Excellent	Medium

^ Increase in grade from the previous year.
Source: Anti-Defamation League, "Campus Antisemitism Report Card," https://www.adl.org/campus-antisemitism-report-card (accessed Jan. 12, 2026).

Most sample universities received a higher grade from ADL in 2025 compared to 2024, indicating that they made efforts to address antisemitic incidents that occurred in 2024.[493] Both Rutgers and UCLA received a score of "D" in 2025, indicating that ADL assessed them as having a "Deficient Approach" to antisemitism on their campuses.[494] ADL assigned the next level, "Corrections

[489] *See, e.g.,* Hope D. LaFreniere Tamez, Natalie Anastasio, and Arie Perliger, "Explaining the Rise of Antisemitism in the United States," *Studies in Conflict & Terrorism*, 2024, vol. 49, no. 6, https://doi.org/10.1080/1057610X.2023.2297317.
[490] Ira M. Sheskin, *How Much Antisemitism Is There in the United States? Incidences vs. Impacts*, 19 FIU L. Rev. 921 (2025).
[491] Anti-Defamation League, "Audit of Antisemitic Incidents," https://www.adl.org/audit-antisemitic-incidents.
[492] Anti-Defamation League, "Campus Antisemitism Report Card," https://www.adl.org/campus-antisemitism-report-card (accessed Jan. 12, 2026).
[493] Anti-Defamation League, "Some Schools Improved in Protecting Jewish Students While Many Still Failing, Finds ADL's Campus Report Card," Mar. 3, 2025, https://www.adl.org/resources/press-release/some-schools-improved-protecting-jewish-students-while-many-still-failing.
[494] Anti-Defamation League, "Campus Antisemitism Report Card: Rutgers University, New Brunswick" https://www.adl.org/campus-antisemitism-report-card/rutgers-university-new-brunswick (accessed Jan. 12, 2026);

Needed," or a score of "C," to Cornell, Stanford, UMN, and UNC in 2025.[495] One sample university, WashU, received a score of "B," which means that ADL assessed it as being "Better than Most" in 2025.[496] Both Vanderbilt and ASU received the highest grade, indicating that ADL judged them as being "Ahead of the Pack."[497] ADL appraised universities that received a "C" or below as having high campus conduct and climate concerns. The details of antisemitic incidents by university are below.[498]

All sample universities have campus resources designed to ensure that Jewish students feel a sense of belonging. These resources are varied and include Jewish organizations, fraternities/sororities, religious services, and kosher dining options. All sample universities have chapters of national Jewish organizations, such as Hillel (see Table 3.3 above).[499] Many also have their own campus-specific organizations, such as Cornell's Center for Jewish Living, which feeds members of the Jewish community in their weekly Shabbat experience.[500] Some schools identify and address the needs of Jewish community members through campus-based religious coalitions, including ASU's Council of Religious Advisors[501] and WashU's Office for Religious, Spiritual and Ethical Life (ORSEL).[502] Sample universities also offer special events and courses related to Judaism and/or the Jewish experience. For instance, UCLA's Leve Center is a research hub for Jewish culture[503] and Stanford has an Israel Studies program.[504] The diverse campus programs, resources, and

---

Anti-Defamation League, "Campus Antisemitism Report Card: University of California, Los Angeles," https://www.adl.org/campus-antisemitism-report-card/university-california-los-angeles (accessed Jan. 12, 2026).

[495] Anti-Defamation League, "Campus Antisemitism Report Card: Cornell University," https://www.adl.org/campus-antisemitism-report-card/cornell-university (accessed Jan. 12, 2026); Anti-Defamation League, "Campus Antisemitism Report Card: Stanford University," https://www.adl.org/campus-antisemitism-report-card/stanford-university (accessed Jan. 12, 2026); Anti-Defamation League, "Campus Antisemitism Report Card: University of Minnesota, Minneapolis," https://www.adl.org/campus-antisemitism-report-card/university-minnesota-minneapolis (accessed Jan. 12, 2026); Anti-Defamation League, "Campus Antisemitism Report Card: University of North Carolina, Chapel Hill," https://www.adl.org/campus-antisemitism-report-card/university-north-carolina-chapel-hill (accessed Jan. 12, 2026).

[496] Anti-Defamation League, "Campus Antisemitism Report Card: Washington University in St. Louis," https://www.adl.org/campus-antisemitism-report-card/washington-university-st-louis (accessed Jan. 12, 2026).

[497] Anti-Defamation League, "Campus Antisemitism Report Card: Vanderbilt University," https://www.adl.org/campus-antisemitism-report-card/vanderbilt-university (accessed Jan. 12, 2026); Anti-Defamation League, "Campus Antisemitism Report Card: Arizona State University," https://www.adl.org/campus-antisemitism-report-card/arizona-state-university (accessed Jan. 12, 2026).

[498] *See supra* notes 623-794 (discussing antisemitic incidents by sample universities).

[499] Hillel International, "Compare Colleges," https://www.hillel.org/compare-colleges. *See supra* Table 3.3.

[500] Cornell University, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Oct. 10, 2025, [on file] [hereinafter Cornell Interrogatories].

[501] Arizona State University, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Oct. 13, 2025, [on file] [hereinafter ASU Interrogatories].

[502] Washington University, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Nov. 20, 2025, [on file] [hereinafter WashU Interrogatories].

[503] University of California, Los Angeles, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Oct. 13, 2025, [on file] [hereinafter UCLA Interrogatories].

[504] Stanford University, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Oct. 13, 2025, [on file] [hereinafter Stanford Interrogatories].

organizations highlight that Jewish students are not a monolith, but rather represent many different backgrounds and views.[505]

Universities can also take proactive steps to protect Jewish students, as well as students belonging to other marginalized groups, by formally monitoring their campus climates through surveys given to students and/or employees. For instance, Cornell administers a climate survey to employees, "Belonging at Cornell," and students, "Cornell Undergraduate Experience." These survey results are given to campus leaders who address concerns based on the results, such as by developing new programs.[506]

Antidiscrimination[507] Policies

Universities take proactive measures to prevent antisemitism, and other forms of bias, through education and campus resources (see above). They also all have clear antidiscrimination policies,[508] inform stakeholders about these policies, hold people accountable for violations (through punishment and support), and adjust their policies and resources as necessary.

Each sample university has policies prohibiting discrimination and harassment based on protected characteristics. These characteristics include religion and shared ancestry, either of which can be the basis of antisemitism.[509] Both UNC[510] and UCLA[511] explicitly name and discuss antisemitism on their antidiscrimination webpages. Because of the debate over how to define antisemitism (see Chapter 1), we asked sample universities to provide the definition of antisemitism they use when evaluating alleged violations of university policy or Title VI in the interrogatories. In response, most universities did not define antisemitism, opting instead to explain that antisemitism is prohibited by their antidiscrimination policies. Table 3.5, below, shows the direct language from their narrative responses that is most closely tied to defining antisemitism, as well as links to their antidiscrimination policies. Both Stanford and UCLA mentioned Israeli nationality in their explanation of antisemitism.[512] Cornell noted it has not adopted the International Holocaust Remembrance Alliance (IHRA) definition but that it is available on a community resource page.

---

[505] Cornell Interrogatories.
[506] Cornell Interrogatories.
[507] Some responding sample universities use the term "anti-discrimination" and not "nondiscrimination." For consistency, the former term is reproduced in this chapter; other chapters of this report—namely, Chapter 2—tend to use the latter term.
[508] These polices are also anti-harassment and also often anti-retaliation. We use "antidiscrimination policies" as the umbrella term.
[509] University of North Carolina at Chapel Hill, "Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sex-Based Harassment, Sexual Assault, Interpersonal Violence and Stalking," https://policies.unc.edu/TDClient/2833/Portal/KB/ArticleDet?ID=132487.
[510] Ibid.
[511] University of California, Interim Policy, "Anti-discrimination," Dec. 1, 2025, https://policy.ucop.edu/doc/1001004/Anti-Discrimination.
[512] Stanford Interrogatories; UCLA Interrogatories.

UNC also explained that it uses elements of the IHRA definition in its antisemitism definition, which it added after a 2019 resolution agreement with OCR.[513]

Table 3.5: Interrogatory Antisemitism Definitions and Antidiscrimination Policy Links

	Antisemitism Definition from Interrogatory Response
ASU	ASU policy prohibits any person participating in university programs or activities from engaging in discrimination, including discriminatory harassment, on the basis of any status protected by federal or state law. ASU's policy prohibits religious discrimination and harassment (including antisemitism) expressly. Antisemitism is also covered by the policy's prohibition on national origin discrimination, consistent with the guidance of the U.S. Department of Education Office of Civil Rights.
Academic Affairs Manual, "ACD 401: Prohibition Against Discrimination, Harassment, and Retaliation," https://public.powerdms.com/ASU/documents/1541854.	
Cornell	Cornell University is committed to providing a safe, inclusive, and respectful learning, living, and working environment for its students, faculty, and staff. University Policy 6.4 prohibits bias, discrimination, and harassment based on any protected statuses, including religion, national origin, and shared ancestry. [ ] While Cornell has not adopted the IHRA or any single definition of antisemitism, it has, however, created together an expansive community resource page.
University Policy, "Non Discrimination (Policy 6.4)," https://policy.cornell.edu/policy-library/prohibited-bias-discrimination-harassment-and-sexual-and-related-misconduct.	
Rutgers	*Did not define in interrogatory response.*
University Policy, "60.1.12 Policy Prohibiting Discrimination and Harassment," https://policies.rutgers.edu/B.aspx?BookId=12087&PageId=459442.	
Stanford	As a complement to the Fundamental Standard and the Code of Conduct, Stanford has enacted additional policies that prohibit discrimination on the basis of national origin, including shared Jewish ancestry and/or Israeli nationality.
Office of the Vice Provost for Institutional Equity, Access, & Community, "Stanford Non-discrimination Policy," https://equity.stanford.edu/stanford-non-discrimination-policy.	
UCLA	UCLA's policies, practices, and procedures strictly prohibit discrimination and harassment, including discrimination and harassment of Jewish and Israeli students.
University of California, Interim Policy, "Anti-Discrimination," https://policy.ucop.edu/doc/1001004/Anti-Discrimination.	
UMN	The University addresses antisemitism within its anti-discrimination framework. [ ] Both religion and national origin are protected characteristics within this framework. Student training under the Gopher Equity Project defines antisemitism to include hostility, discrimination, and prejudice toward people who are Jewish; this project also includes reporting scenarios and provides resources. Since October 7, 2023, trainings relating to antisemitism have been amplified and policies clarified to promote safety for all community members.

[513] University of North Carolina at Chapel Hill, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Oct. 13, 2025, [on file] [hereinafter UNC Interrogatories].

Administrative Policy, "Discrimination," https://policy.umn.edu/opportunity/discrimination.	
UNC	Anti-Semitic discrimination or harassment can be a form of discrimination or harassment based on religion and/or national origin. Anti-Semitic discrimination or harassment may manifest as engaging in any of the following conduct against an individual because the individual is or is perceived to be Jewish or because the individual is or is perceived to be from Israel: repeatedly using anti-Semitic slurs; defacing an individual's property with a hateful symbol or word (e.g., a swastika); denying an individual access to or refusing to allow an individual to participate in any program sponsored or hosted by the University; using force or intimidation to obstruct the path of an individual; or refusing to grant an individual a benefit to which they are entitled (e.g., a letter of recommendation). Evidence of an individual's perceived protected status may include, for example, association with Israel or with a Jewish organization, wearing religious attire (e.g., a kippah), or displaying a religious symbol associated with Judaism (e.g., a star of David).
University Compliance Office, "Policy on Prohibited Discrimination, Harassment and Related Misconduct Including Sex-Based Harassment, Sexual Assault, Interpersonal Violence and Stalking," https://policies.unc.edu/TDClient/2833/Portal/KB/ArticleDet?ID=132487.	
Vanderbilt	Vanderbilt's policies and procedures are designed to prevent, effectively respond to, and eliminate discrimination and harassment on the basis of any protected class, including national or ethnic origin (which encompasses shared ancestry) and religion.
Policies, "Non-Discrimination Policy," https://www.vanderbilt.edu/eoa/obligations/.	
WashU	WashU does not tolerate discrimination or harassment, intimidation, threats of violence, or incitement of criminal activity. The Discrimination and Harassment Policy prohibits discrimination or harassment based upon shared ancestry or ethnic characteristics, which includes antisemitic discrimination or harassment.
"Discrimination and Harassment Policy," https://washu.edu/policies/discrimination-and-harassment-policy/.	

Sample universities' websites, as well as their interrogatory responses, demonstrate that they each take bias, discrimination, and harassment seriously. Policies alone, however, are insufficient. One facet of having strong and enforceable policies is making sure that stakeholders know about them. Universities message about their antidiscrimination policies in multiple ways. All sample universities have their policies on their websites (see Table 3.5). In its interrogatory response letter, UCLA named five webpages that link to its antidiscrimination policy.[514] These policies are also in faculty handbooks and student codes of conduct. Students, faculty, and staff often have compulsory training related to antidiscrimination policies when they become part of the community. It is common for university employees to receive training about antidiscrimination policies when they begin employment and on an ongoing basis depending on their role. For instance, new Stanford employees are required to read and acknowledge that they understand and agree to adhere to antidiscrimination policies and take a harassment prevention program.[515] Additionally, Stanford employees receive an "Annual Policy Reminder" email each January.

[514] UCLA Interrogatories.
[515] Stanford Interrogatories.

Students also receive initial and ongoing training related to discrimination. At orientation, new students learn about community expectations. For instance, ASU's orientation includes information about respectful engagement.[516] Antidiscrimination training is often embedded in courses about civil dialogue. UCLA and WashU use Dialogue Across Difference programs that "promote intellectual engagement, curiosity, empathy, active listening, and critical thinking" to teach about antisemitism;[517] at WashU, the curriculum is mandatory for incoming freshmen.[518] Cornell has multiple programs and courses through the Intergroup Dialogue Project to achieve the same goal of teaching the principles of respect and inclusivity.[519]

Another facet of having enforceable antidiscrimination policies is that they include clear and prompt procedures for what happens when they are perceived to be violated. While there are nuances across universities, the process typically starts when someone makes a report. The next general steps are for the receiving office to contact the concerned parties, gather information, and determine a resolution. There can be different offices, as well as procedural details, for students and non-students (i.e., faculty and staff). There can also be separate informal and formal processes.

All universities have a procedure to receive complaints about perceived discrimination, bias, harassment, or retaliation.[520] The person who makes the complaint (complainant) can be the person who experienced the event or someone else, such as a parent or witness. Mandated reporters are required to make a complaint if they have good reason to believe that the antidiscrimination policy has been violated. For instance, at ASU, "[a]ll supervisors, managers, or administrators who are informed of or have a reasonable basis to believe that a violation of the policy has occurred are required to promptly report it to the university."[521] Universities make reporting a complaint logistically easy by having many reporting mechanisms, including calling a number, submitting a letter, talking directly to a person, emailing, or submitting an online complaint form. Online complaint portals are typically embedded on webpages with information about the university's antidiscrimination policy and process for a report investigation.[522]

Following the complaint, the next step in the general process is for the office that receives complaints to contact the complainant and notify the person or group who is alleged to have violated the policy (respondent). Next, the office conducts an information or evidence-gathering

---

[516] ASU Interrogatories. *See also,* ASU, "Free Speech at ASU: Resources for Students," https://freespeech.asu.edu/resources-students.
[517] UCLA Interrogatories.
[518] WashU Interrogatories. *See also,* Washington University in St. Louis, "Dialogue Across Difference," https://dxd.washu.edu/about/.
[519] Cornell Interrogatories.
[520] Jacob E. Gersen & Jeannie Suk Gersen, *Academic Freedom and Discipline: The Case of the Arguably Peaceful Protestors*, 76 Stan. L. R. 1537 (2024).
[521] ASU Interrogatories.
[522] *See, e.g.*, University of North Carolina at Chapel Hill, University Compliance Office, "Reporting," https://compliance.unc.edu/reporting; Stanford University, Harassment/Discrimination – Title VI, "Filing a Report," https://titlevi.stanford.edu/filing-report.

phase to determine whether a violation occurred. When investigating Title VI complaints, the relevant office determines: 1) Whether the conduct, as alleged, is based on actual or perceived protected status; 2) Whether the conduct, as alleged, is both subjectively and objectively offensive; and 3) Whether the conduct, as alleged, is severe or pervasive.[523] Public universities must also decide if the expression at question is protected by the First Amendment.[524]

For all sample universities other than Stanford, the evidentiary threshold is a preponderance of evidence. At Stanford, concerns that may result in charges require clear and convincing evidence.[525] At some universities and in some instances, the respondent can request a formal hearing and/or appeal the decision. Table 3.6, below, shows the offices at each university that receive complaints, as well as whether the university offers an alternate or informal resolution, hearing, or appeal.

Table 3.6: Bias Complaint Offices and Investigative Procedures

	Office Handling Investigations	Alternate or Informal Resolution	Hearing	Appeal
ASU				
Students	Office of Student Rights and Responsibilities	None	If requested by the student within 5 business days of disciplinary sanction notice	Can request a review or rehearing within 15 business days in some circumstances
Employees	Office of University Rights and Responsibilities	Both	Only with certain disciplinary action for which there is a hearing process and complaints of discrimination in adverse employment actions	No
Cornell				
Students	Cornell Office of Civil Rights	Both	Only if referred to Office of Student Conduct and Community Standards (OSCCS) for conduct violation	Only if referred to OSCCS for conduct violation
Employees	Cornell Office of Civil Rights	Informal resolution; mediation	Yes	Yes, within 10 business days
Rutgers				

[523] Cornell Interrogatories. *See also* Benjamin Eidelson & Deborah Hellman, *Antisemitism, Anti-Zionism, and Title VI: A Guide for the Perplexed*, 139 Harv. L. Rev. F. 1 (2025).
[524] UNC Interrogatories.
[525] Stanford University, Stanford Student Conduct Charter of 2023, "Section III – Levels of Review, Sanction, and Records," https://communitystandards.stanford.edu/policies-guidance%23policies-guidance-links/stanford-student-conduct-charter-2023.

Students	Office of Student Conduct/Community Standards	Alternative resolution	Only when recommended sanctions include suspension, expulsion, or loss of university housing	Yes, within 10 working days
Employees	Office of Employment Equity	Informal resolution	No	Yes, within 10 working days
Stanford				
Students	Title VI Office/Office of Community Standards	Alternative resolution	Only if a student contests charges	Yes, within 20 days
Employees	University Human Resources (Staff)/ Dean's Office (Faculty)	Informal resolution	In certain circumstances, such as involuntary termination when an employee files a grievance	Grievance process may be used to appeal written corrective actions and involuntary terminations
UCLA				
Students	Civil Rights Office	Alternative resolution	No	Only when the assigned sanctions include suspension or dismissal
Employees	Civil Rights Office	Alternative resolution	Only if disciplinary procedures are initiated; procedures depend on the employee's designation	Appeals of disciplinary actions depend on the employee's designation
UMN				
Students	Office of Community Standards	Informal resolution	If informal resolution is not accepted or inappropriate	Yes, within 5 weekdays
Employees	Equal Opportunity Office	Informal problem-solving process	No	Yes, within 7 calendar days
UNC				
Students	University Compliance Office	Both	Yes, unless waived by both parties	Yes, within 5 business days
Employees	University Compliance Office	Both	Only when a grievance process is initiated based on the outcome	Grievance procedures or administrative review, depending on employee's designation
Vanderbilt				
Students	Equal Opportunity and Access Office	Informal resolution	No	Yes, within 10 calendar days
Employees	Equal Opportunity and Access Office	Informal resolution	No	Yes
WashU				
Students	The Office of Institutional Equity	Informal resolution	Only if referred to the Office of Student	Yes

			Conduct and Community Standards and sanctioned with expulsion or suspension	
Employees	The Office of Institutional Equity	Informal resolution	For complaints against faculty only	For complaints against faculty, within 14 calendar days

The final step in the general bias complaint process is that a decision is reached about an appropriate educational, administrative, disciplinary, or other corrective action. This decision is often made by a designated administrator, particularly if there are separate informal and formal processes. There are many different types of corrective actions depending on the nature of the incident and the final decision of the investigation. If the office concludes that a violation has occurred, it can discipline the respondent, such as by suspending a student or putting an employee on leave. As ASU pointed out in its response to the Commission, however, a "disciplinary approach is alone insufficient to meet community needs."[526] As such, universities also provide supportive measures when a complaint is made, which Vanderbilt defines as "non-disciplinary and non-punitive services designed to restore or preserve equal access" to community programs and activities.[527] In its interrogatory response, UCLA listed some examples of supportive measures that it provides, such as "tutoring, counseling, health and mental health assistance, housing assistance, schedule adjustments, class alternatives, [and] countering hateful speech training."[528] Sample universities offer supportive measures, including conversation mediation and counseling, regardless of whether the office concludes that a policy has been violated.

Free Speech Policies

Policies and procedures related to freedom of expression are also important for understanding antisemitism on college and university campuses. The right to free speech works differently at public and private universities. Free speech protections guaranteed by the First Amendment of the U.S. Constitution, as well as any free speech protections in the relevant state's constitution, apply to all public universities as government entities.[529] The same is not true at private universities, where First Amendment protections do not apply to administrators' independent decisions about what speech to permit or prohibit.[530]

[526] ASU Interrogatories.
[527] Vanderbilt University, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Oct. 13, 2025, [on file] [hereinafter Vanderbilt Interrogatories].
[528] UCLA Interrogatories.
[529] Pen America, "The Law and Campus Free Speech," https://pen.org/campus-free-speech/the-law/.
[530] Steven P. Aggergaard, *The Question of Speech on Private Campuses and the Answer Nobody Wants to Hear,* 44 Mitchell Hamline L. Rev. 629 (2018).

There are, however, two important exceptions to the rule that free speech is not legally protected at private universities. First, state statutes protect free speech at private universities in some states.[531] For instance, Stanford explained in its interrogatory response:

> Stanford is a private university, and its land is private property; this distinguishes it from public universities like the University of California. The First Amendment of the U.S. Constitution [] is designed to protect speech from government restriction, and therefore is not directly applicable to Stanford as a private institution. However, California's Leonard Law, Cal. Educ. Code §94367, prohibits private colleges from making or enforcing rules subjecting students to discipline solely on the basis of speech that would be protected by the First Amendment or California Constitution if regulated by a public university.[532]

Second, although the First Amendment does not directly apply to private universities, it does protect students at those universities from being subjected to censorship by the university at the government's behest. As Genevieve Lakier, Professor of Law at the University of Chicago, testified:

> The protections of the First Amendment apply, moreover, not only when the government directly sanctions speech but also when it acts more indirectly, by threatening others with adverse consequences if they do not suppress that speech themselves. This is why Title VI must be interpreted in a manner that is consistent with the First Amendment, even though it does not directly penalize student or faculty speakers but merely threatens the federal funding of institutions that do not do enough to suppress allegedly discriminatory or harassing speech. The government simply may not use its power to grant or withhold federal funds to pressure universities into suppressing protected speech.[533]

Even apart from these legal protections for free speech, each of the private universities in the sample affirm the value of free speech. Like sample public universities, they were effusive in their responses to the Commission about the value of free speech. In its response letter, WashU said it has a "long and proud history of promoting freedom of expression,"[534] Vanderbilt "proudly affirms its commitment to this core principle,"[535] Stanford is "profoundly committed to freedom of expression, free inquiry, and the open exchange of ideas,"[536] and, for Cornell, the "principle of freedom and responsibility is central."[537]

---

[531] Ibid.
[532] Stanford Interrogatories; *see also,* Aggergaard, *The Question of Speech on Private Campuses*.
[533] Lakier testimony, *Antisemitism Briefing*, pp. 4-5.
[534] WashU Interrogatories.
[535] Vanderbilt Interrogatories.
[536] Stanford Interrogatories.
[537] Cornell Interrogatories.

All sample universities also have online resources about free speech. A main argument that universities make in affirming these principles is that free speech is crucial to education because learning about diverse perspectives makes students stronger critical thinkers. For instance, Rutgers' webpage about free expression says: "At Rutgers, we strive to teach students how to think, not what to think."[538]

That all sample universities extol and protect free speech does not mean that free speech is unbounded on college campuses. Even at public universities, where free speech is protected under the federal Constitution, there are the normal free speech restrictions, such as exceptions for the incitement to violence, true threats, obscenity, and defamation.[539] Universities can also have time, place, and manner restrictions that curb when, where, and how people engage in expressive activities, as long as these restrictions apply to everyone.[540] Because protected speech can be offensive to some individuals or groups,[541] colleges and universities must decide how to balance the right to free speech with the right of students to feel safe. In its interrogatory response, ASU offered one approach to this tension: "the university's commitments and obligations regarding expressive and intellectual freedoms do not prevent it from offering support to individuals who may experience distress as a result of protected speech."[542]

Because free speech policies have to coexist with antidiscrimination policies,[543] we asked universities to describe how their "institution distinguishes between protected free speech, academic freedom, and conduct that violates Title VI or university policy with respect to antisemitism-related complaints." Sample universities directly answered or indirectly engaged with this question by vehemently affirming both rights in their narrative responses.

Online resources from sample universities illuminate their strategies to maintain this balance. For example, UNC has a webpage link to report a perceived free speech violation,[544] whereas a UCLA webpage features a prominent button for reporting a perceived violation of its time, place, and manner policy.[545] As with antidiscrimination policies, colleges and universities have to decide not only on free speech policy content, but also on how they communicate about these policies. Webpages devoted to free expression typically include the university's core values, guidelines for

---

[538] Rutgers University, "Rutgers University Guidelines for Free Expression on Campus," https://free-expression.rutgers.edu/sites/default/files/2024-08/Rutgers-University-Free-Expression-Guidelines.pdf.
[539] Pen America, "The Law and Campus Free Speech."
[540] Victoria L. Killion, *Freedom of Speech: An Overview*, Congressional Research Service, Sept. 13, 2024, https://www.congress.gov/crs-product/R47986.
[541] Foundation for Individual Rights and Expression, "Speech Protected Under the First Amendment," https://www.thefire.org/research-learn/protected-speech.
[542] ASU Interrogatories.
[543] University of Minnesota, Response to Interrogatories from the U.S. Commission on Civil Rights, submitted Nov. 14, 2025, [on file] [hereinafter UMN Interrogatories].
[544] University of North Carolina at Chapel Hill, "Free Speech FAQs," https://freespeech.unc.edu/policies/faqs/.
[545] University of California, Los Angeles, "Time, Place and Manner (TPM) Policies," https://tpm.ucla.edu/.

how community members can exercise free speech, and links to relevant policies.[546] Sample universities use a range of approaches in their language about free speech. Table 3.7, below, shows the first sentence or two on their free expression webpages to indicate how they frame their priorities. For instance, ASU highlights that its campus is not unrestricted to the public while Vanderbilt emphasizes the importance of respectful dialogue in this era. WashU has so much to say about free expression that its webpage is linked to another page featuring statements of support for freedom of expression from university leadership and faculty over time.[547]

Table 3.7: Free Speech Restrictions at Sample Universities

	Leading Message	Encampments	Prior Approval
ASU	"The ASU campus is dedicated to university activities and is not a place with unrestricted public access."	No	Must register all events
"Free Speech at ASU," https://freespeech.asu.edu/free-speech-asu.			
Cornell	"We value free and open inquiry and expression—tenets that underlie academic freedom—even of ideas some may consider wrong or offensive."	Prior registration and only for Cornell students	Pre-scheduling demonstrations or protest activities is encouraged, but not required
"Expressive Activity at Cornell," https://expressiveactivity.cornell.edu/.			
Rutgers	"Rutgers is committed to the freedom of speech. The free expression and discussion of ideas is essential to our university's core mission and values."	No	Submit notice at least three business days in advance; have to talk to Student Affairs representative for spontaneous demonstrations
"Academic Freedom and Free Expression at Rutgers University," https://free-expression.rutgers.edu/.			
Stanford	"Stanford is committed to freedom of expression, free inquiry, and the open exchange of ideas as fundamental values for the university's academic mission."	No	Expected attendance of over 100 need to be registered (except in one area)
"Freedom of Expression and Academic Freedom at Stanford," https://freespeech.stanford.edu/.			
UCLA	"UCLA's Time, Place and Manner (TPM) Policies govern the use of university property, supporting our community in hosting events and defining when, where, and how Bruins and visitors can exercise their First Amendment rights …"	No	Only designated areas do not require prior approval
"Time, Place and Manner (TPM) Policies," https://tpm.ucla.edu/.			

[546] Only UCLA and UMN do not have webpages explicitly devoted to free expression. UMN has a relevant webpage about civic responsibilities and UCLA has a webpage featuring their time, place, and manner restrictions.
[547] Washington University in St. Louis, "Support for Freedom of Expression," https://washu.edu/about-washu/our-mission-and-vision/freedom-of-expression/support-for-freedom-of-expression/.

UMN	"Ensuring our campuses remain safe while also providing places for the robust exchange of ideas to flourish is the bedrock of our educational mission."	No	Specific outdoor locations for no more than 100 people do not need a permit
"Civic Responsibilities at the University of Minnesota," https://system.umn.edu/civic-responsibilities-university-minnesota.			
UNC	"Carolina is committed to fostering an environment where intellectual engagement flourishes. The free exchange of ideas is what makes ours a vibrant academic community, and we will continue our longstanding traditions of protecting free speech."	No	Major events of 500 or more need to be registered
"Free Speech at Carolina," https://freespeech.unc.edu/.			
Vanderbilt	"With free expression at risk on college campuses, it's more important than ever that we all speak our minds and engage one another with respect."	No	Ideally submit request to the dean at least 48 hours in advance
"How We Practice Free Expression," https://www.vanderbilt.edu/dialogue-vanderbilt/how-we-practice-free-expression/.			
WashU	"WashU has a proud history of promoting freedom of expression. The free exchange of ideas is a cornerstone of higher education and we are committed to upholding this fundamental value."	No	At least two weeks notice for an event of 100 plus
"Freedom of Expression," https://washu.edu/freedom-of-expression/.			

Universities' freedom of expression webpages show that there are some common time, place, and manner restrictions, including prohibitions against violence, property destruction, and disrupting instruction. Most sample universities also prohibit protest-related encampments (see Table 3.7). The only sample university that does not expressly prohibit camping is Cornell, and in that case only Cornell community members can camp overnight and only if they receive permission. Table 3.7 also shows that some universities require that demonstrations are pre-registered and restricted to certain outdoor locations depending on their size. Both Stanford[548] and UCLA[549] have short handouts on their free expression webpages that can presumably be printed and distributed for quick reference to locations on campus where public expression is allowed.

[548] Stanford University, "Speech and Events: Resources for Students," https://drive.google.com/file/d/1OT2PX4aRm_Jt_FU_XUxaJcDy7kltgrIb/view (accessed March 25, 2026).
[549] University of California, Los Angeles, "Policy 852 Attachment A: Map of Areas for Public Expression Activities," https://ucla.app.box.com/s/f96iffe5u6p2azrr54gug0zlt85a24zf (accessed March 25, 2026).

Campus Protests

Protests and demonstrations test how universities approach the balance between free speech and campus safety. In the period of this study, the Hamas terrorist attack in Israel on October 7, 2023,[550] as well as Israel's military operations in Gaza that followed,[551] led to protests on many U.S. college and university campuses.[552] Though campus protests are not a new phenomenon,[553] these protests became linked, at least temporally, to a rise in antisemitic incidents on U.S. campuses. Therefore, universities had to carefully consider how to allow, and even encourage, free speech while also protecting Jewish students.

Under Title VI, the essential question about protests is when they create a "hostile environment," understood as severe, pervasive, and persistent discriminatory harassment that impedes equal access to student participation.[554] Although public universities may be constitutionally permitted to restrict even some protests that would not violate Title VI, and private universities are generally free to restrict protests as they see fit, universities do not always distinguish between speech restrictions that they impose at their own discretion and those they impose to comply with Title VI. As UMN explained in its interrogatory response, "while the mere expression of views, words, or symbols that another community member finds offensive is constitutionally protected, circumstances where the conduct is sufficiently serious to deny or limit a student's ability to participate in or benefit from an educational program would violate University policy."[555]

Michael Dorf, Robert S. Stevens Professor at Cornell Law School, explained in his testimony to the Commission that:

---

[550] Daniel Byman, Riley McCabe, Alexander Palmer, Catrina Doxsee, Mackenzie Holtz, and Delaney Duff, "Hamas's October 7 Attack: Visualizing the Data," Center for Strategic & International Studies, Dec.19, 2023, https://www.csis.org/analysis/hamass-october-7-attack-visualizing-data; Associated Press, "How Many Hostages Are Left in Gaza?," Mar. 18, 2025, https://apnews.com/article/israel-palestinians-hamas-war-remaining-hostages-gaza-dbedb436b04fac1c790a794a4ef03853.

[551] Aosheng Pusztaszeri and Emily Harding, "The Aftermath of October 7: Regional Conflict in the Middle East," Center for Strategic & International Studies, Dec. 19, 2024, https://www.csis.org/analysis/aftermath-october-7-regional-conflict-middle-east.

[552] Jay Ulfelder, "Crowd Counting Consortium: An Empirical Overview of Recent Pro-Palestine Protests at U.S. Schools," Ash Center for Democratic Governance and Innovation, Harvard Kennedy School, May 30, 2024, https://ash.harvard.edu/articles/crowd-counting-blog-an-empirical-overview-of-recent-pro-palestine-protests-at-u-s-schools/.

[553] Vadim V. Ustyuzhanin, Patrick S. Sawyer, and Andrey V. Korotayev, "Students and Protests: A Quantitative Cross-National Analysis," *International Journal of Comparative Sociology*, 2023, vol. 64, https://journals.sagepub.com/doi/10.1177/00207152221136042; *see also,* Aggergaard, *The Question of Speech on Private Campuses*.

[554] 42 U.S.C. §§ 2000d et seq.; *see also, supra* notes 344-439 (discussing hostile environment); U.S. Dep't of Education, Office for Civil Rights, "Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance," Mar. 10, 1994, https://www.ed.gov/laws-and-policy/civil-rights-laws/harassment-bullying-and-retaliation/racial-incidents-and-harassment-against-students (accessed June 30, 2026).

[555] UMN Interrogatories.

> The difficult issues involve how one balances the rights of free speech against the rights of inclusivity, and both are important. Colleges and universities must navigate between the competing demands of federal civil rights laws and the First Amendment, but even if there were no governing law, campus administrators would face difficult tradeoffs because they rightly value both liberty and equality…
>
> For example, some protesters who use language such as "from the river to the sea" in a general protest is not targeted at specific individuals or Jewish members of the community, [they] might mean only that they object to Israeli policies in Gaza or so forth. Many Jewish students understandably hear in that slogan a call for genocide. Whether campus administrators or the law should adopt a speaker's perspective, a listener's perspective, or an ostensibly neutral perspective is an unsettled, contested, and difficult question.[556]

Protests and demonstrations can also create safety issues. Universities have many approaches to protect campus safety generally. For example, Cornell provides a free public safety app to its students and staff.[557] Universities also have strategies to maintain safety specifically during protests, such as having teams that are designed to engage with protestors. For example, the Dean of Students' office leads the Situation Engagement Team at ASU, which "provides in-person support during on-campus expressive activities and student organization events."[558] At WashU, their Demonstrations and Disruptions (D&D) Team "is deployed to engage with protest leaders and to warn violators to discontinue their conduct before disciplinary or other action is taken. More often than not, the D&D team is able to effectively address disruptions without involving law enforcement."[559] If it is necessary to engage the police, all sample universities have their own police departments. University police departments have jurisdiction over their campuses and can coordinate with local, state, and federal law enforcement agencies as needed. Involving the police became a common response to campus protests following October 7, 2023.[560]

Though we did not ask sample universities to detail the dates and nature of the protests on their campuses, we asked them to "identify any antisemitism-related incidents that occurred during protests or demonstrations from AY 2021-22 through AY 2024-25 and describe how they were addressed." As with other interrogatory questions, universities provided a wide range of responses. Some did not address the question directly or provide any supporting documents in their responses. Others answered the question in the narrative response, provided documents to flesh out what happened during protests and how administration responded, or both. Rutgers, UNC, and Vanderbilt attached freedom of expression policies but did not include a narrative response to that interrogatory question. Similarly, ASU did not include a narrative response to that question but did

---

[556] Dorf testimony, *Antisemitism Briefing*, pp. 47-48.
[557] Cornell Interrogatories.
[558] ASU Interrogatories.
[559] WashU Interrogatories.
[560] Timothy Zick, *New Threats to Campus Protest*, 23 First Amend. L. Rev. 355 (2024).

explain that their policies for protests and demonstrations are "content-and viewpoint-neutral." ASU also included an appendix of specific incidents, a few of which occurred during protests.[561]

The five sample universities that included a narrative response about protests share some important themes. Table 3.8, below, shows what universities discussed in their narrative responses about protests. A cell without an "X" does not mean that the event did not happen, only that the university did not directly mention it in their interrogatory response.

Table 3.8: Narrative Themes about Campus Protests from Interrogatories

	Cornell	UMN	Stanford	UCLA	WashU
Nature of Protests					
Mostly Peaceful	X	X			X
Multiple Viewpoints	X	X		X	X
Outsider Participation		X		X	X
Serious Protest Events					
Encampments	X	X		X	X
Property Defacement/Damage	X	X			
Building Occupation		X	X		
Disrupt Learning/Event	X		X		X
Violence				X	
Protest Effects					
Campus-Wide Messages	X			X	X
School-Based Punishments	X	X	X	X	
Arrests	X	X	X	X	X
Policy Changes	X	X	X	X	X

Cornell, UMN, WashU, and UCLA explained that there were protest activities from multiple perspectives, including those supporting Israel and those supporting Palestine. UMN clarified that these perspectives are not necessarily binary: "To be clear, the student activism at the University in recent years cannot be neatly bifurcated into "pro-Israeli" and "pro-Palestinian" sides; rather, campus protests inspired by the most recent conflict in the Middle East have been varied."[562]

The sample universities that elected to describe their protests addressed protest events that violated their policies. An important note from three universities is that protest escalation seemed to occur when there was substantial participation from people unaffiliated with the university. Outsider participation is perhaps unsurprising at these particular universities as each is located in a major city: UMN is in the Twin Cities, UCLA is in Los Angeles, and WashU is in St. Louis. In describing protests at the end of April 2024 that violated university policy and led to arrests, WashU explained,

[561] ASU Interrogatories.
[562] UMN Interrogatories.

"These protests were unusual in that individuals unaffiliated with the WashU community had a significant role in organizing and participating in at least two of the three protests."[563]

Encampments were one form of protest that many universities struggled with during this time. There are various reasons that encampments can be challenging for universities.[564] In their narrative responses to interrogatory requests, Cornell, UMN, UCLA, and WashU all mentioned that encampments were part of the post-October 7th protest landscape on their campuses. UCLA is the only sample university that noted physical violence occurring during a protest; notably, it occurred at an encampment. Universities also shared other policy violations during protests, such as graffiti, building occupations, and disruptions of events or classes. Even with these violations, Cornell, UMN, and WashU offered that the majority of campus demonstrations and protests following October 7th were peaceful.

Institutional Responses to October 7, 2023 and Subsequent Protests

Sample universities responded to the terrorist attacks of October 7th, campus protests, and antisemitic incidents in myriad ways. These responses included campus messaging, participating in symbolic events, studying the issue, and ultimately changing policies and processes.

Universities have an obligation to communicate with community stakeholders. In particular, universities offer statements and guidance in times of hardship. Presidents or chancellors from sample universities issued statements to the campus community about the terrorist attacks of October 7th. A main purpose of these statements was to unequivocally condemn the violence.[565] Cornell's then-president emphasized the safety of those in the area and the mental wellbeing of those affected on campus.[566] UNC's then-chancellor provided information about campus resources for community members.[567]

Though common, the practice of issuing university statements is not without controversy. For instance, at UMN some departments issued statements after October 7th that seemed to speak on behalf of the university but did not.[568] As a result, UMN updated its rules about who could issue

---

[563] WashU Interrogatories.
[564] *See, e.g.*, Princeton University, Office of the President, "On Encampments, Free Speech, and 'Time, Place, and Manner' Rules on University Campuses," May 28, 2024, https://president.princeton.edu/blogs/encampments-free-speech-and-%E2%80%98time-place-and-manner%E2%80%99-rules-university-campuses.
[565] UCLA Interrogatories. *See also* University of California, Office of the President, "University of California Statement on Mideast Violence," Oct. 10, 2023, https://link.ucop.edu/2023/10/10/university-of-california-statement-on-mideast-violence/.
[566] Cornell Interrogatories; *see also,* Cornell University, University Statements, "Response to the Terrorism in Israel," Oct. 10, 2023, https://statements.cornell.edu/2023/20231010-world-events.cfm.
[567] University of North Carolina at Chapel Hill, "A Message from the Chancellor: Caring for Our Community During Global Conflict," Oct. 13, 2023, https://www.unc.edu/posts/2023/10/13/a-message-from-the-chancellor-caring-for-our-community-during-global-conflict/.
[568] UMN Interrogatories.

university statements.[569] Likewise, Stanford discussed distinguishing between academic freedom and institutional statements on behalf of the university in its interrogatory response because of this tension.[570]

Sample universities also used the approach of issuing statements during and after protests. Some universities shared messages with their campus communities to explain events or condemn certain actions. For instance, UCLA included Newsroom statements as attachments to their interrogatory response. In one, the Vice Chancellor for Strategic Communications shared the university's strategy regarding calling law enforcement to address a protest encampment only if "absolutely necessary to protect the physical safety of our campus community."[571] UCLA, like all sample universities in Table 3.8, ended up engaging the police at some point during campus protests as they all noted arrests during protests. Some university protest messages served to inform the community about notable events, such as a message from the WashU chancellor after a demonstration with outside participants that led to 100 arrests.[572] Other statements were primarily reminders about policies, including the rights and responsibilities associated with free speech.[573]

Following the terrorist attacks, protests, and rising antisemitism, campus leaders engaged in symbolic acts of unity with the Jewish community. WashU hosted its third annual "The Longest Table" event to bring people together.[574] At Cornell, then-president Pollack joined the menorah lighting for Hanukkah in December 2023.[575] At UMN, university administrators attended a Shabbat event, "reinforcing the University's active participation in Jewish community events."[576]

Universities also issued statements in response to rising antisemitism on campuses. Some of these messages focused on specific events, such as when Cornell's then-president sent a campus wide message about a credible threat made against students at a kosher dining hall.[577] Other messages served to remind campus community members about their belonging and inclusion principles.[578] Still others updated the community about steps the university was taking to combat

[569] University of Minnesota, "Board of Regents Resolution on Institutional Speech Updates," https://brief.umn.edu/feature/board-regents-resolution-institutional-speech-updates.
[570] Stanford Interrogatories.
[571] UCLA Interrogatories; *see also,* University of California, Los Angeles, "UCLA Statement About Encampment on Campus (April 26)," Newsroom, https://newsroom.ucla.edu/ucla-statement-about-encampment-on-campus-april-26.
[572] Washington University in St. Louis, Office of the Chancellor, "This Weekend's Demonstration," https://andrewdmartin.washu.edu/this-weekends-demonstration/.
[573] Washington University in St. Louis, Office of the Chancellor, "Free Speech and Responsibility," https://andrewdmartin.washu.edu/free-speech-and-responsibility/.
[574] Washington University in St. Louis, Gephardt Institute for Civic and Community Engagement, "The Longest Table," https://gephardtinstitute.wustl.edu/engage-democracy/the-longest-table/.
[575] Cornell Interrogatories.
[576] UMN Interrogatories.
[577] Cornell University, University Statements, "Antisemitic Threats to Our Community," Oct. 29, 2023, https://statements.cornell.edu/2023/20231029-antisemitic-threats.cfm.
[578] *See, e.g.*, Washington University in St. Louis, Office of the Chancellor, "Critical Thinking, Free Speech, and Civil Discourse," n.d., https://andrewdmartin.washu.edu/critical-thinking-free-speech-and-civil-discourse/.

antisemitism.[579] Some of this communication extended beyond the university, such as at Stanford where the president and provost held public meetings to address "ways that Stanford responds to antisemitism and religious bigotry on campus."[580]

In order to address antisemitism, universities had to first understand the problem. Many chose to systematically investigate the scale and nature of the problem on their campus in various ways. Most sample universities explained in their interrogatory responses that collaboration with Jewish community partners, like Hillel or Chabad, was essential. University administrators also met with other stakeholders, including those in the larger community.[581] Many also created a group specifically tasked with studying and reporting about the problem of antisemitism. Stanford created the Subcommittee on Antisemitism and Anti-Israel Bias of the Jewish Advisory Committee that assessed the Jewish community on campus. The committee published a final report on its findings and recommendations in May 2024.[582] UCLA created a Task Force to Combat Antisemitism and Anti-Israeli Bias that analyzed reports and conducted a survey; their final report contains recommendations for improvements.[583] UMN conducted a Campus Climate Review through Hillel and told the Commission that it plans to add questions about antisemitism to their own campus climate survey "to better understand the experiences of Jewish students, faculty, and staff."[584]

While the focus of this report is on antisemitism, it is important to note that most sample universities also discussed concern for Muslim and/or Palestinian students in their interrogatory responses. According to UMN, "Many in the University community have roots in the Israeli and Palestinian communities."[585] In this way, the Hamas attack on October 7th, the subsequent Israeli military operations in Gaza, and the accompanying campus protests linked university concern for Jewish and Muslim students. The response letters from Vanderbilt[586] and WashU,[587] as well as document attachments from Cornell,[588] quoted their chancellors/presidents condemning

[579] University of Minnesota, Office of the President, "Combating Harassment, Bias and Antisemitism," Mar. 10, 2025, https://president.umn.edu/combating-harassment-bias-and-antisemitism.
[580] Stanford Interrogatories.
[581] Cornell Interrogatories.
[582] Stanford University, Subcommittee on Antisemitism and Anti-Israeli Bias, *"It's in the Air": Antisemitism and Anti-Israeli Bias at Stanford*, May 31, 2024, https://news.stanford.edu/__data/assets/pdf_file/0033/156588/ASAIB-final-report.pdf.
[583] University of California, Los Angeles, Office of the Chancellor, "Initiative to Combat Antisemitism," Mar. 10, 2025, https://chancellor.ucla.edu/messages/initiative-to-combat-antisemitism; *see also,* University of California, Los Angeles, "Antisemitism and Anti-Israeli Bias at UCLA," Oct. 16, 2024, https://antisemitismreport.org/.
[584] UMN Interrogatories.
[585] Ibid.
[586] Vanderbilt Interrogatories.
[587] WashU Interrogatories; *see also,* Washington University in St. Louis, Office of the Chancellor, "Condemnation of Antisemitism and Islamophobia," https://andrewdmartin.washu.edu/condemnation-of-antisemitism-and-islamophobia/.
[588] Cornell Interrogatories.

Islamophobia in tandem with antisemitism. Additionally, UMN,[589] UCLA,[590] and UNC[591] discussed courses, research projects, and trainings about both antisemitism and Islamophobia. Stanford's 2024 Antisemitism Subcommittee was also "tasked to develop strategies and a plan to foster dialogue and partner with members of the Muslim, Arab, and Palestinian communities at Stanford in order to build a more cohesive community."[592]

Universities made a variety of changes to address campus antisemitism. One category of change involved adding resources or opportunities for campus community members. Many sample universities developed lecture series and programs relating to antisemitism and the Israeli-Palestinian conflict. UMN created a Jewish Alumni Network.[593] WashU created a new initiative, Cultivating Connections, that is meant to increase and support connections between people of different communities.[594]

Sample universities also enhanced trainings relating to discrimination in general and antisemitism in particular. For instance, UMN now has a mandatory training module on antisemitism for all instructors.[595] Because incidents of antisemitism are linked to issues of free speech, universities also introduced or modified their trainings about civil discourse. Cornell, for example, provides their faculty and graduate instructors with a training entitled, "Engaging Viewpoint Diversity in the Classroom."[596] UNC's interrogatory response listed multiple Title VI trainings for different stakeholders.[597]

One major change that some universities made to combat antisemitism was to their free expression policies. In particular, modifying time, place, and manner restrictions was a typical response to allowing free speech while also keeping the campus from feeling like an unwelcoming or unsafe environment for Jewish students. Again, some universities first systematically investigated their protests before adjusting their policies. For example, WashU formed an ad hoc committee to study issues occurring at protests and issued a report with recommendations.[598] Due to a violent incident at an encampment at UCLA, an outside organization conducted an investigation there that

[589] UMN Interrogatories.
[590] UCLA Interrogatories; *see also,* University of California, Los Angeles, Initiative to Study Hate, "Research Projects on Islamophobia and Antisemitism," https://studyofhate.ucla.edu/research/2024-2025-research/research-projects-on-islamophobia-and-antisemitism-2024-25/.
[591] UNC Interrogatories.
[592] Stanford Interrogatories.
[593] UMN Interrogatories.
[594] WashU Interrogatories; *see also*, Washington University in St. Louis, Office of the Chancellor, "Cultivating Connections," https://andrewdmartin.washu.edu/cultivating-connections/#featured.
[595] UMN Interrogatories.
[596] Cornell Interrogatories.
[597] UNC Interrogatories.
[598] Washington University in St. Louis, Newsroom, "Board of Trustees Establishes Ad Hoc Committee to Review Policies, Procedures on Maintaining an Open Campus," Sept. 4, 2024, https://source.washu.edu/2024/09/board-of-trustees-establishes-ad-hoc-committee-to-review-policies-procedures-on-maintaining-an-open-campus/.

culminated in a report with recommendations, such as clarifying the decision-making process during protests and training relevant parties.[599]

Table 3.9, below, shows major changes that sample universities made during this time to their antidiscrimination and free speech policies or procedures. An empty table cell does not necessarily mean that they did not make a change, only that it was not evident from their interrogatory response.

Table 3.9: Select Changes at Sample Universities Since October 7, 2023

	Title VI Policy or Procedure	Free Speech Policy or Procedure	Other Changes
ASU	No	Consolidated policies about access to facilities and property into a single policy.	The Situation Response Team became the Situation Engagement Team with enhanced training
Cornell	Consolidated management of all reports of protected status bias, discrimination, and harassment involving student respondents to a single office	Created an interim then final Expressive Activity Policy	--
Rutgers	--	--	--
Stanford	New Title VI reporting process	--	--
UCLA	UC-wide policy replaced the UCLA policy, and they are transitioning to a single case management system for complaint filing and intake	Revised use of university property policy; modifying the process for approving and responding to campus events	--
UMN	Supplements their procedure with a new Bias Response and Referral Network to improve responses to reported incidents	Clarified time, place, and manner guidelines and passed a Board of Regents resolution regarding institutional speech	--

[599] 21st Century Policing Solutions, *Independent Investigation & After-Action Review of Encampment-Related Events at the University of California, Los Angeles*, *April 2024 through May 6, 2024: Recommendations*, Nov. 2024, https://www.universityofcalifornia.edu/sites/default/files/2024-11/UCLA-independent-investigation-and-after-action-review-recommendations-21CP-solutions.pdf.

UNC	Restructured reporting and renamed office	--	--
Vanderbilt	--	--	--
WashU	Now all complaints go to a single office instead of multiple offices	Task force is addressing policy recommendations made by an ad hoc committee regarding protest activities	Adopted Vanderbilt-WashU Principles to clarify core principles

The most common change that sample universities named was adjusting or consolidating their Title VI procedures (Table 3.9). Five universities also shared that they modified their free speech policies and/or procedures. The remaining four universities did not use their narrative responses to discuss changes in this arena, though each also made changes related to free expression (Rutgers,[600] UNC,[601] Vanderbilt,[602] and Stanford[603]). These changes are consistent with the national trend of colleges and universities altering time, place, and manner restrictions in response to campus protests.[604] Though common, some students,[605] faculty members,[606] advocacy organizations,[607] and judges[608] have argued that these changes impede free speech rights. At the Commission's briefing, Professor Genevieve Lakier explained how a lack of clarity in OCR guidance about what constitutes a hostile environment under Title VI could encourage universities to limit free speech too severely:

> An institution that's trying to figure out how to comply with federal law won't know until after the [OCR] investigation has been conducted whether they have or have not complied.

[600] Rutgers AAUP-AFT Executive Council, "Open Letter to President Holloway Regarding Rutgers' New Restrictions on Free Expression," Aug. 29, 2024, https://rutgersaaup.org/open-letter-to-president-holloway-regarding-rutgers-new-restrictions-on-free-expression/.
[601] Alice Scott, "'About Regulation of Voices': How UNC's Protest Guidelines Have Shaped Student Activism," *Daily Tar Heel*, https://dailytarheel.com/article/university-protest-rules-zoning-and-recent-applications-20260120.
[602] Vanderbilt University, News, "Vanderbilt Updates Freedom of Expression Policies and Expands Civil Discourse Programming," Aug. 12, 2024, https://news.vanderbilt.edu/2024/08/12/vanderbilt-updates-freedom-of-expression-policies-and-expands-civil-discourse-programming.
[603] Stanford University, Stanford Report, "Faculty Senate approves Motions on Freedom of Expression, Institutional Statements," May 30, 2024, https://news.stanford.edu/stories/2024/05/faculty-senate-approves-motions-on-freedom-of-expression.
[604] Zick, *New Threats to Campus Protest*.
[605] *See, e.g.*, Josh Moody, "The War on Student Speech," *Inside Higher Ed*, Feb. 24, 2026, https://www.insidehighered.com/news/deep-dives/2026/02/24/war-student-speech.
[606] *See, e.g.*, Washington University in St. Louis, "Second Open Letter for Freedom of Speech at WUSTL," https://docs.google.com/forms/d/e/1FAIpQLSfzQ5i9YmM5bezZU7aZX9hxYxRQmrZox2sQB1CCSGwX6aicXQ/viewform (accessed March 25, 2026).
[607] *See, e.g.*, American Civil Liberties Union, "Open Letter to College and University Presidents on Student Protests," Apr. 26, 2024, https://www.aclu.org/documents/open-letter-to-college-and-university-presidents-on-student-protests.
[608] *See, e.g.,* Joanna Slater, "Judge Limits Government Actions Against Students, Scholars in Free Speech Case," *Washington Post*, Jan. 22, 2026, https://www.washingtonpost.com/nation/2026/01/22/free-speech-court-order-trump-administration-protesters/.

> Meanwhile, millions, if not more, of federal dollars could be at stake and so when they're presented with unclear guidance about what counts as a hostile environment, that also they're supposed to protect the First Amendment, the likely response is to overcompensate, to suppress speech just to avoid any risk.[609]

Changes in Title VI and free speech policies and procedures highlight that universities are not static. Rather, they are constantly evolving with broader cultural and student body changes. Though challenging, universities are obligated to balance free expression with protecting their community members from a hostile environment, so they must make adjustments to help ensure that balance.

Antisemitism Complaints and Incidents

Public information about antisemitism on college campuses is largely shared through media outlets that are incentivized to feature stories about the most egregious incidents.[610] Organizations that collect data about antisemitic incidents, such as ADL, may also capture the most overt cases of antisemitism.[611] As such, there is little public information about the "broader spectrum of antisemitic experiences" on college campuses.[612] One goal of this report is to provide a more holistic view of the current state of antisemitism on campuses by asking a sample of nine universities to share their experiences since AY 2021-22.

The Commission received a range of responses in volume and quality from sample universities. It is possible that some universities did not answer all interrogatory questions or provide all requested documents because of recent changes in federal policy affecting institutions of higher education, including their funding.[613] Regardless of the reasons, having fewer details from some universities undermines the goal of understanding the nuanced landscape of antisemitism on college campuses. Nevertheless, we greatly appreciate the information that we received, particularly from universities that answered all interrogatory questions and document requests.

As part of the interrogatories, we asked sample universities to provide a list of all formal and informal complaints that alleged antisemitic discrimination or harassment from AY 2021-22 through AY 2024-25. Complaints about antisemitism do not perfectly reflect antisemitic incidents on campus. Rather, they demonstrate both experiences and reporting behaviors. Having many

---

[609] Lakier testimony, *Antisemitism Briefing*, p. 73.
[610] *See* Danielle K. Brown, "Media Coverage of Campus Protests Tends to Focus on the Spectacle Rather Than the Substance," *Nieman Journalism Lab*, May 6, 2024, https://www.niemanlab.org/2024/05/media-coverage-of-campus-protests-tends-to-focus-on-the-spectacle-rather-than-the-substance/.
[611] Yael Silverstein and Caryn Block, "Making the Invisible Visible: A Taxonomy of Contemporary Antisemitic Experiences on College Campuses," *Journal of Jewish Education*, 2025, vol. 91, no.2, https://doi.org/10.1080/15244113.2025.2482060.
[612] Ibid.
[613] *Chronicle of Higher Education*, "Tracking Trump's Higher-Ed Agenda," Mar. 2, 2026, https://www.chronicle.com/article/tracking-trumps-higher-ed-agenda.

antisemitic incident complaints at a university could show that there is rampant antisemitism, but it could also reflect that the reporting process is easy and that community members feel comfortable making reports. Details about all antisemitic bias complaints, not just those that universities find to be Title VI violations, can illuminate broader trends relating to antisemitism on campus.

To analyze complaint data, we followed the practice of first organizing incidents by category.[614] We primarily used inductive coding to create a taxonomy of antisemitic incident types from the sample schools' complaint data.[615] It is crucial to note that these categories are based on the complainant's perception and do not align with the legal definitions of harassment, discrimination, or hostile environment, which are discussed in Chapter 2. The categories, and their explanations, are shown below in Table 3.10.

Table 3.10: Taxonomy of Antisemitic Complaints from Sample Universities

Category	Explanation
Violence/threats	Any physical violence (e.g., pushing, thrown object) or direct threat of violence that did not occur at a protest.
Harassment	Overtly antisemitic remarks or slurs that are not at a protest or online. This also includes nonverbal harassment, such as a mezuzah ripped from a door.
Discrimination	Inferior treatment perceived to be based on Jewish background, such as not being accepted to a program or getting graded harshly. This includes insufficient religious accommodations.
Visual Objects	Visual object in a public location that is perceived as antisemitic (e.g., graffiti or flyers containing antisemitic symbols or language).
Online Antisemitism	Any antisemitic language, symbols, or content that is posted to social media sites or listservs.
Protest Harassment	Targeted, overt acts of perceived antisemitism at a protest. This includes physical violence, blocking a path, surrounding a person, and using antisemitic language directed at an individual or small group.
Protest Hostile Environment	Feeling unsafe or uncomfortable from protest activity generally instead of from a specific event at a protest. This includes chants that are perceived as antisemitic but not aimed at an individual or small group.
Campus Hostile Environment	Feeling unsafe or uncomfortable on campus, including in class, based on perceived antisemitic language or actions that did not occur at a protest.

[614] *Sees e.g.*, Community Security Trust, "Categories of Antisemitic Incidents," https://cst.org.uk/public/data/file/f/2/Categories%20of%20antisemitic%20incidents.pdf; Anti-Defamation League, "Methodology," *Audit of Antisemitic Incidents 2024*, Apr. 22, 2025, https://www.adl.org/resources/report/audit-antisemitic-incidents-2024.
[615] Howard Lune and Bruce L. Berg, *Qualitative Research Methods for the Social Sciences* (Boston: Pearson, 2017).

Antisemitic Microaggressions	Comments or "jokes" that are perceived to rely on Jewish stereotypes.
Embedded in Longer List	Complaints about harassment or discrimination that name antisemitism as one factor that is not primary.
Other	Any incident not captured in one of the above categories.
No Details Provided	University did not provide any information or only named a broad category.

There are two categories that capture antisemitism complaints related to campus protests because of the salience of protests during this period. The categories are distinct because "Protest Harassment" is antisemitic language or actions aimed at an individual or a small group whereas "Protest Hostile Environment" does not have a specific target. Similarly, the category of "Campus Hostile Environment" captures incidents that are perceived as antisemitic, without a specific target, that did not happen at a protest. The "Antisemitic Microaggressions" category captures language or events that are more subtle than overt harassment or discrimination, such as insults or "jokes" based on stereotypes.[616] There is a distinct category for social media because of its significance in this period. As Cornell explained in its interrogatory response, "Cornell, like many other colleges and universities around the world, saw increased levels of student activism and protests on its campus and in its surrounding communities, as well as increased levels of antisemitic and Islamophobic comments on social media."[617] Protests have long occurred on college campuses,[618] but social media is a relatively new dimension of this landscape where students can continue discussions and disagreements, sometimes anonymously and without consequence.[619] Some research shows that antisemitic incidents have become more common online than in physical locations.[620]

Though the typology in Table 3.10 is useful for fleshing out types of antisemitism, it is not perfect. For one, it is based on complaint data from a small sample of schools. Because the categories were created using data,[621] they would likely be different if we had received information from other schools. Additionally, categorizing incidents is not always straightforward. Though the categories are mutually exclusive and exhaustive, similar events might be categorized differently depending

[616] Silverstein and Block, "Making the Invisible Visible."
[617] Cornell Interrogatories.
[618] *See, e.g.*, Aggergaard, *The Question of Speech on Private Campuses*.
[619] Darren L. Linvill, "Addressing Social Media Dangers Within and Beyond the College Campus," *Communication Education*, 2019, vol. 68, no. 3, https://www.tandfonline.com/doi/full/10.1080/03634523.2019.1607885. *See also* Christopher P. Barlett, Douglas A. Gentile, and Chelsea Chew, "Predicting Cyberbullying from Anonymity," *Psychology of Popular Media Culture*, 2016, vol. 5, no. 2, https://drdouglas.org/wp-content/uploads/2019/03/barlett2016.pdf.
[620] American Jewish Committee, *The State of Antisemitism in America 2024: AJC's Survey of American Jews*, https://www.ajc.org/AntisemitismReport2024/AmericanJews (accessed Jan 12, 2026); *see also,* Sheera Frenkel and Steven Lee Myers, "Antisemitic and Anti-Muslim Hate Speech Surges Across the Internet," *New York Times*, Nov. 15, 2023, https://www.nytimes.com/2023/11/15/technology/hate-speech-israel-gaza-internet.html.
[621] Lune and Berg, *Qualitative Research Methods for the Social Sciences*.

on the context. For instance, a poster of Israeli hostages that has been defaced could be counted as "Visual Objects" if it were in a neutral area or "Harassment" if it were hanging on a Jewish student's door. This analysis is intended to demonstrate the estimated share of incidents by type rather than serve as a definitive categorization.

Arizona State University

Antisemitic Bias Complaint Data

In response to the Commission's interrogatory request, Arizona State University (ASU) sent a thorough 16-page letter. The first two pages of the narrative letter were followed by a written response to each interrogatory question. ASU's response also included a separate spreadsheet of complaints in answer to the Commission's request for that information. To supplement that information, ASU later sent underlying documents for most incidents in their spreadsheet.

ASU's spreadsheet with all complaints related to antisemitism included a variable that briefly explained the nature of the allegation.[622] The underlying documents that it sent for most incidents were helpful for the task of fleshing out the categories, as very different incidents can be categorized identically. For instance, harassment is a category that can describe many types of behavior. In one harassment complaint at ASU, a student reported that pro-Palestine protests created an unsafe environment for Jewish students on campus. In a different harassment complaint made by a faculty member against a third party, the complainant alleged receiving threatening emails and voicemails directly linked to their Jewish identity after signing a letter to oppose a university-hosted visit from Charlie Kirk and Dennis Prager.[623]

There were 65 complaints between July 2021 and April 2025 at ASU. The majority of complaints (56.9%) were made by students. Faculty or staff made 16.9% of complaints. The rest were made by student workers (6.2%), third parties (9.2%), parents (1.5%), and unknown reporters (7.7%). There was more variation in the subject of the complaints, or respondents, at ASU. The largest share of respondents were unknown parties (36.9%). This was common in the case of flyers, graffiti, or other vandalism. The next largest group of respondents were faculty or faculty administrators (18.5%) and third parties, in some instances in conjunction with students (18.5%). Students were respondents in 10.8% of complaints and student organizations were respondents in 3.1% of complaints.

Of the 65 complaints that ASU shared, it provided additional details about 54 incidents. The share of complaints with details provided in each category is shown below in Table 3.11. Seeing

[622] ASU Interrogatories.
[623] Arizona State University, "Letter from Barrett Faculty Concerning the TW Lewis Center Event "Health, Wealth, and Happiness," Feb. 1, 2023, https://assets.ctfassets.net/qnesrjodfi80/74wT0lZTlli56Yzhr6jFyB/c306e8a19792214b4d697201ee203dc8/ASUProfessorsBoycottingDennis_PDF_ClickableLinks.pdf.

antisemitic visual objects was the most common complaint type for known incidents (24.1%). This included graffiti and flyers containing antisemitic symbols or language, as well as vandalized flyers of Israelis kidnapped on October 7th. There was a range in pointedness for these visual objects. Some were overtly and clearly antisemitic, like the graffiti that read "F*** Jews" in a men's bathroom in a university building. Other antisemitic visual objects were included in a collection of other offensive language and symbols, like a swastika that was drawn on the windshield dust of a parked car, along with anti-Black and sexually offensive material. One complaint was about a campus visitor who was holding up signs that read, "The Jews Killed Jesus," "Women Are Property," and "All Muslims Are Terrorists."

Table 3.11: ASU Antisemitism Complaints by Type, July 2021-April 2025, N=54

Category	Percentage
Harassment	7.4
Discrimination	9.3
Visual Objects	24.1
Online Antisemitism	7.4
Protest Harassment	1.9
Protest Hostile Environment	11.1
Campus Hostile Environment	20.4
Antisemitic Microaggressions	5.6
Embedded in Longer List	7.4
Other	5.6

The next largest category of complaints was made by individuals who felt that there was a hostile environment for Jewish students or staff in ways not directly related to demonstrations or protests (20.4%). These complaints included classroom interactions that made Jewish students feel disrespected or unprotected, such as when an instructor used a map with parts of Israel labeled as Palestine. One of these complaints highlights why antisemitism, rather than antisemitic incidents, can be difficult to capture. A third-party reporter made a complaint against a faculty member who used a survey of opinions about Jewish people to measure the prevalence of anti-Jewish bias among students. Because the questions were based on Jewish stereotypes, however, the complainant found the survey offensive.

A total of 13.0% of complaints with details were related to university demonstrations and protests in the wake of October 7th. The majority of these complaints (11.1% of the total) were about protests creating an environment that felt unsafe for Jewish students and staff. One complaint (1.9% of the total) was about harassment during a protest, including the complainant's friend allegedly getting punched in the stomach.

The discrimination complaints at ASU included the perception that being Jewish was the reason, or at least part of the reason, for getting rejected from a PhD program or not getting a high rating at work. Two students said they were discriminated against when they were not given appropriate religious accommodations, one by a professor for an exam and one by a university employee.
It is important to emphasize that complaints about antisemitic incidents are not a perfect reflection of antisemitism occurring on campus. In one way, they can be an undercount because not all incidents are reported. For instance, previous scholarship demonstrates that antisemitic microaggressions are more common than direct harassment,[624] but that is not true for ASU's complaint data. The fact that only 5.6% of incidents were antisemitic microaggressions could reflect that overtly antisemitic incidents were more common during this time. More likely, however, this low percentage demonstrates that members of the ASU community were less likely to report subtle forms of antisemitism, which is consistent with prior literature.[625]

Complaint data can also go the other direction and represent an overreporting of antisemitic incidents on campus. ASU included the outcome of the complaint in the spreadsheet that they submitted to the Commission. It mentioned an investigation as part of the outcome in 14 of its 65 cases. They found a policy violation in just two cases and no policy violation for ten cases.[626] For most complaints it did not mention an investigation, instead stating that it offered supportive services and resources and/or took (unspecified) proactive measures.

Because ASU did not find a Title VI violation in most cases does not necessarily mean that the complainant did not experience antisemitism. Politically protected speech can be offensive yet not technically antisemitic.[627] One complainant made a report alleging antisemitism on the grounds that the "from the river to the sea" chant occurring at some protests is a call for genocide of Jewish people. Despite the phrase's contested meaning,[628] and the fact that it is protected speech, the complainant surely made the report because they experienced hearing the chant as antisemitic.

---

[624] Silverstein and Block, "Making the Invisible Visible."
[625] Ibid.
[626] One investigation is still pending and in one they could not identify the perpetrator.
[627] Foundation for Individual Rights and Expression, "Speech Protected Under the First Amendment." *See also* Erwin Chemerinsky, *Unpleasant Speech on Campus, Even Hate Speech, Is a First Amendment Issue*, 17 Wm. & Mary Bill Rts. J. 765 (2009).
[628] The phrase "from the river to the sea, Palestine will be free" has a complicated history. Originating in 1960s Palestinian political culture as an expression of national aspiration across the territory between the Jordan River and the Mediterranean Sea, it has been used by groups ranging from secular democratic-state advocates to the terrorist group Hamas; Israeli leaders, including the Likud party, have used the same geographic formulation to assert exclusive Israeli sovereignty. ADL describes the phrase as antisemitic; AJC takes a more contextual approach, noting that its use to call for the erasure of Israel or to harass Jews is antisemitic, while acknowledging that some employ it without that intent. In protest settings, the phrase carries strong and often existential meanings for both speakers and listeners, even when those meanings sharply diverge. *See* Joe Hernandez, "How Interpretations of the Phrase 'From the River to the Sea' Made It So Divisive," *NPR*, Nov. 9, 2023, https://www.npr.org/2023/11/09/1211671117/how-interpretations-of-the-phrase-from-the-river-to-the-sea-made-it-so-divisive.

Complaints about antisemitism can also be found not to have violated a policy if the report was vague. For example, a complainant at ASU requested a parking spot closer to their new job because of a fear that "Hamas sympathizers" might find out they are Jewish and Israeli. Similarly, complaints can also be based on an incident or speech that could be offensive but is not targeted at Jewish culture or Judaism. For instance, one complaint was based on members of a religious club on campus trying to recruit members by spreading the "word of God." The complainant did not say that the club members knew they were Jewish, but it still felt antisemitic to be approached about the merits of a different religion. Though it is not clear from the incident details, it is possible that complaints of this nature are experienced as antisemitic because of a larger feeling that antisemitism was pervasive on campus. It is important to acknowledge that complaints vary in specificity and overtness of antisemitism to understand the broader narrative about the rise in antisemitism on college campuses.

OCR Investigation(s)

ASU was the subject of one OCR Title VI shared ancestry investigation between AY 2021-22 and AY 2024-25.[629] The investigation was opened in January 2024 in response to a complaint Campus Reform submitted to OCR in November 2023.[630] Campus Reform is a group that describes itself as "a conservative watchdog in the nation's higher education system" that "exposes leftist bias and abuse on the nation's college campuses."[631] The complaint alleged that, "Since the terrorist attacks on Israel of October 7, 2023, Jewish and pro-Israel students have felt increasingly unwelcome, threatened and discriminated against as part of this student and academic body."[632] As evidence, the complaint cited an event held by the University's chapter of Students for Justice in Palestine (SJP) on October 8, 2023 to "learn about the Palestinian liberation struggle against the U.S. and Israeli war machine" and an October 12th SJP rally during which students chanted "free, free Palestine," and, "from the river to the sea, Palestine will be free."[633]

On February 28, 2024, ASU responded to OCR's request for information and documents relating to the investigation. ASU detailed its relevant policies prohibiting discriminatory harassment, policies related to free speech and expression, and its process for conducting investigations into violations of university policies.[634] ASU then described the two events held on campus in the immediate aftermath of October 7: a vigil for the victims of the attacks held on October 11 and a

---

[629] ASU Interrogatories, p. 4, 15.
[630] Zachary Marschall, Email to U.S. Dep't of Education, Office of Civil Rights, "Title VI Complaint Against Arizona State University, 1151 S Forest Ave, Tempe, AZ 85281 (National Origin - Jewish)," Nov. 28, 2024, p. 1, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/az-azstateu-1-compandnotlet.pdf (hereinafter ASU complaint).
[631] Campus Reform, "Mission," https://www.campusreform.org/about (accessed Feb. 26, 2026).
[632] ASU Complaint, p. 1.
[633] Ibid.
[634] Kimberly A. Demarchi, Vice President for Legal Affairs and Deputy General Counsel, Arizona State University, Letter to Jennifer Bezoza, U.S. Dep't of Education, Office for Civil Rights, "RE: OCR Complaint Number 08-24-2089," Feb. 28, 2024, pp. 2-5 [on file] [hereinafter ASU February 2024 Response].

rally in support of Palestine on October 12.[635] ASU told OCR that their "Situation Response Team (SRT) attended both events to address any safety or security concerns. While both events were largely peaceful, SRT's intervention was needed to address a conflict that arose during the second event between event attendees and protestors."[636] ASU also said that it had provided support to Israeli and Palestinian students through a public statement including available resources for affected students, meeting with Jewish and Palestinian student groups, and "direct outreach to students from the affected region."[637]

ASU was one of the 60 universities to which ED issued warning letters in March 2025 for allegations of antisemitism.[638] In May 2025, ASU wrote to OCR asking to discuss the investigation initiated in 2024, stating that the complaint was filed "not by any member of the ASU community but by a news commentator who filed dozens of similar complaints based on limited and hearsay information."[639] ASU noted its A grade from ADL and included a statement of support from leaders of Jewish organizations on campus. This statement read:

> As leaders of organizations that support the Jewish experience at ASU, we have consistently found that ASU's campus culture enables Jewish students, faculty, and staff to thrive. ASU President Michael Crow, along with his administration, welcomes everyone and encourages their robust and responsible free expression. Rare incidents that challenge these norms are dealt with by administration swiftly and effectively.[640]

ASU followed up with OCR again in August 2025 but had not received a response as of October 2025, when ASU responded to the Commission's interrogatories.[641] The case appears to remain pending as of the writing of this report.[642]

---

[635] ASU February 2024 Response, p. 9.
[636] Ibid.
[637] Ibid., p. 10.
[638] U.S. Dep't of Education, Newsroom, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment," Mar. 10, 2025, https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment (accessed Feb. 26, 2026).
[639] Lisa Loo, Senior Vice President & General Counsel, Arizona State University, Email to Craig Trainor and Steven Schaefer, U.S. Dep't of Education, Office for Civil Rights, "Status of OCR Complaint (No. 08-24-2089)," May 15, 2025 [on file].
[640] Ariel Anbar, Debbie Yunker Kail, Hava Samuelson, and Shmuel Tiechtel, "ASU Jewish Organization Leaders Respond to Recent U.S. Department of Education's Office for Civil Rights Letter to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment," Mar. 12, 2025, p. 1 [on file].
[641] Lisa Loo, Senior Vice President & General Counsel, Arizona State University, Email to Craig Trainor and Steven Schaefer, Department of Education, Office for Civil Rights, "Status of OCR Complaint (No. 08-24-2089)," Aug. 4, 2025 [on file]; ASU Interrogatories, p. 16.
[642] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations," https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/race-color-and-national-origin-discrimination-key-issues/discrimination-based-shared-0 (accessed Feb. 26, 2026).

Cornell University

Antisemitic Bias Complaint Data

In their response to the Commission, Cornell University (Cornell) submitted a 12-page letter that addressed interrogatory questions with narrative responses and ample references to its Bates-stamped exhibits; the attached exhibits file is 1,978 pages. It explained that it had already prepared and submitted their material to the federal government for three OCR cases: "Cornell provided a lengthy narrative along with many exhibits, which details Cornell's efforts to fight antisemitism on campus and which should be very helpful to the Commission."[643]

In response to the Commission's request for complaints related to antisemitism, Cornell included three relevant spreadsheets in their exhibits file. The first has 55 incidents from July 2022-November 2023 and seems to only contain complaints related to antisemitism. The next spreadsheet has incidents from December 2023-August 2024. Likely in response to an OCR supplemental materials request for all harassment and other complaints based on any shared ancestry (e.g., Muslim, Palestinian, Arab, or Jewish shared ancestry), the second spreadsheet contains complaints based on antisemitism and other shared ancestry. Of the 97 complaints in these nine months, 48 (49.5%) were related to antisemitism and 15 (15.5%) were related to Islamophobia. There were 18 complaints (18.6%) about a different protected group and 15 (15.5%) that did not contain enough information to be categorized. Cornell's third spreadsheet, containing 25 complaints, is from July 2024-April 2025[644] and appears to only have complaints related to antisemitism.

Over the period from July 2022-April 2025, students alone were complainants in 53 of the 128 complaints related to antisemitism (41.4%). They were complainants in conjunction with another party (e.g., parent, staff) in 18 additional complaints (14.1%). The next largest share of complainants were anonymous (17.2%). Anonymous respondents were the largest group of respondents (37.5%). Students were the next largest group of respondents (33.6%). Table 3.12 below shows Cornell's antisemitism complaints by category.

[643] Cornell Interrogatories.
[644] Though there is overlap in the dates, the incidents in each spreadsheet are distinct.

Table 3.12: Cornell Antisemitism Complaints by Type, July 2022-April 2025, N=128

Category	Percentage
Violence	1.0
Harassment	7.8
Discrimination	2.3
Visual Objects	27.3
Online Antisemitism	18.0
Protest Harassment	1.6
Protest Hostile Environment	12.5
Classroom/University Hostile Environment	21.1
Antisemitic Microaggressions	4.7
Other	1.6

Antisemitic visual objects were the most common complaint category (27.3%). There were a range of offensive visual objects, including those that are overtly antisemitic. There were complaints about swastikas being drawn on a printer, in the gravel, on an elevator, and on a car hood. There were also visual objects that complainants understood as being antisemitic, such as chalking of "End Technion Partnership" and flyers advertising a rally for Palestine.

The next largest share of complaints were about a hostile environment that was not directly linked to protests (21.1%). These included issues in the classroom, such as a teaching assistant using inaccurate maps of the Middle East in class, a faculty member calling for a ceasefire during class, and a visiting instructor asking students to exchange their opinions about Israel. Some classroom complaints were related to protests, like a teaching assistant holding class outside in solidarity with a protest encampment. There were also complaints about feeling uncomfortable with an instructor because of their protest activities. Professor Russell Rickford made remarks at an off-campus protest where he called the October 7th Hamas attacks "exhilarating."[645] The remark received negative media attention and community outrage.[646] Cornell's then-president issued a joint statement with the University's board chair denouncing his language.[647] Professor Rickford apologized and took a voluntary leave of absence.[648] A group of students submitted a complaint, seemingly when Professor Rickford returned to campus, saying that his presence creates a hostile environment.

[645] *See infra* notes 652, 657-660 (discussing first Cornell OCR complaint).
[646] Cornell Interrogatories.
[647] Cornell University, University Statements, "Statement of President Pollack and Board Chair Kayser on Prof. Russell Rickford Comments," Oct. 17, 2023, https://statements.cornell.edu/2023/20231017-rickford-comments.cfm.
[648] Cornell Interrogatories.

Like other categories, there is a range of specificity about antisemitism in hostile environment complaints. In one instance, an unknown person on campus yelled "Heil Hitler." In another, a parent reported that a student in class with their child gave a "pro-Palestinian speech" during a class presentation. One complaint in this category highlights how serious a hostile environment can feel. Cornell's police responded to a student contemplating ending her life at the edge of a gorge. She told them that she is Jewish and that "the tensions on campus have been 'too much'".

Online antisemitism was also an issue at Cornell. These incidents are particularly difficult because posts can be anonymous. Not having to see the hurt that words cause can embolden people to be especially hateful online.[649] Complaints in this category include slurs that could affect any Jewish person as well as specifically targeted messages. One student complainant received an Instagram message expressing hope that they felt unsafe on campus.

Complaints directly related to the protests were mostly about the disruption they caused. There were complaints of protestors entering buildings, yelling, using a megaphone, performing a "die-in," shouting down speakers, and chanting slogans that some understand to be antisemitic.[650] Complainants reported feeling unsafe and unwelcome on campus as a result. There were two complaints of direct harassment during protests. One complainant said they were told they were shameful for being Jewish. Another alleged that they were photographed and unable to enter a protest encampment based on being Jewish.

There was a single reported incident of threatened violence at Cornell in the study period. A student made online threats against Jewish community members. Cornell responded by sending its own officers, reporting the threats to other law enforcement agencies, including the FBI, issuing a crime alert, and sending an all-campus message.[651] The student who made the threats was immediately suspended and later incarcerated on federal charges.

Cornell included how it responded to each complaint in the spreadsheets embedded in its interrogatory response. In most instances, it responded in multiple ways. Where relevant, the University reported that it always provided supportive resources. It removed offensive visual objects. It did not mention code violations for all complaints. In 22.7% of complaints, Cornell reported that it determined that there was no antidiscrimination code violation. For three complaints it determined there was a violation of the Student Code of Conduct; all three were related to disruptive protest activities.

---

[649] Anti-Defamation League, "Backgrounder: How Can Online Anonymity Affect Hate?" May 22, 2023, https://www.adl.org/resources/backgrounder/backgrounder-how-can-online-anonymity-affect-hate.
[650] *See supra* note 654.
[651] Cornell Interrogatories. *See* Cornell University, "Antisemitic Threats to Our Community."

Cornell's data demonstrates that investigating complaints is not always straightforward. In addition to vague complaints or complaints that were not clearly related to antisemitism (discussed above), it was often difficult for the office that receives reports to continue the process. For example, Cornell could not contact an anonymous complainant for 18.0% of antisemitic complaints in this period. In 41.4% of complaints, the complainant did not respond to institutional outreach. In its interrogatory response, Cornell shared that, as of the beginning of 2024, it now has a way to contact anonymous complainants.

OCR Investigation(s)

Between AY 2021-22 and AY 2024-25, Cornell was the subject of two OCR investigations. The first investigation was opened in response to an October 2023 complaint alleging that a Cornell professor had "spread so much hate and lies. Pushing people towards violence."[652] The complaint further alleged that the professor was "supporting [Hamas] and their beliefs" and "[brainwashing] students to hate and discriminate [against]…Jews."[653] The second investigation, initiated in April 2024, involved a complaint from the parent of a graduate student alleging that the student was "surrounded by antisemitic rhetoric on a daily basis. Signs, posters, rallies, and conversations supporting Hamas, calling for the end of Israel, BDS [boycott, divestment, sanctions], accusations of genocide, and the like."[654] OCR opened investigations into these complaints to determine "whether the University responded to alleged harassment of students in a manner consistent with the requirements of Title VI."[655] In December 2024, the parent who filed the second report wrote to OCR to withdraw their complaint. OCR notified Cornell that the office had "determined there [were] no systemic issues in this case warranting further investigation" and, therefore, dismissed the complaint.[656]

In the first OCR complaint the professor's name was redacted, though it appears to refer to the remarks made by Professor Rickford at an off-campus pro-Palestinian rally on October 15, 2023.[657] During his remarks, Rickford said that he felt "exhilarated" in the first few hours of Hamas's October 7th attack on Israel. He stated:

---

[652] U.S. Dep't of Education, Office for Civil Rights, Discrimination Complaint Form #735618, Oct. 14, 2023, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ny-cornell-1-compandnotlet.pdf (accessed Feb. 26, 2026).
[653] Ibid.
[654] U.S. Dep't of Education, Office for Civil Rights, Complaint Email, Feb. 4, 2024, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ny-cornellu-2-compandnotlet.pdf (accessed Feb. 26, 2026).
[655] U.S. Dep't of Education, Office for Civil Rights, Email to Cornell President Martha E. Pollack, "Re: Case No. 02-24-2018 - Cornell University," Nov. 16 2023, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ny-cornell-1-compandnotlet.pdf (accessed Feb. 26, 2026); U.S. Dep't of Education, Office for Civil Rights, Email to Cornell President Martha E. Pollack, "Re: Case Number 02-24-2183 Cornell University," Apr. 29, 2024, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ny-cornell-1-compandnotlet.pdf (accessed Feb. 26, 2026).
[656] Cornell Interrogatories, p. 001810.
[657] Iris Liang, "U.S. Department of Education Office of Civil Rights Releases Cornell's Antisemitism Investigations, Title VI Files," *Cornell Daily Sun*, Dec. 5, 2025, https://www.cornellsun.com/article/2025/12/u-s-department-of-education-office-of-civil-rights-releases-cornell-s-antisemitism-investigations-title-vi-files.

> Hamas has challenged the monopoly of violence. And in those first few hours, even as horrific acts were being carried out, many of which we would not learn about until later, there are many Gazans of good will, many Palestinians of conscience, who abhor violence, as do you, as do I. Who abhor the targeting of civilians, as do you, as do I, were able to breathe, they were able to breathe for the first time in years. It was exhilarating. It was energizing. And if they weren't exhilarated by this challenge to the monopoly of violence, by this shifting of the balance of power, then they would not be human. I was exhilarated.[658]

The incident was picked up by national news outlets and incomplete video clips circulated on social media.[659] Jewish students at the rally told the campus newspaper that the comments made them feel very uncomfortable. Ethan Glazer, a Cornell Junior at the time, said, "I never felt like my personal safety was at risk until we started hearing that the actions of Hamas exhilarate another person, because those actions are completely and entirely focused on one objective, which is causing as much suffering, as much terror and as much horror to Jewish civilians, Jewish people as possible."[660]

On October 16th, Martha Pollack, then-president of Cornell University, issued a statement to the campus community condemning statements supportive of Hamas, saying:

> I am sickened by statements glorifying the evilness of Hamas terrorism. Any members of our community who have made such statements do not speak for Cornell; in fact, they speak in direct opposition to all we stand for at Cornell. There is no justification for or moral equivalent to these violent and abhorrent acts.[661]

The next day, Pollack and the Chairman of the Cornell University Board of Trustees, Kraig Kayser, issued another statement directly addressing Rickford's comments, stating, "This is a reprehensible comment that demonstrates no regard whatsoever for humanity… The university is taking this incident seriously and is currently reviewing it consistent with our procedures."[662] Rickford then issued an apology in the student newspaper and took a voluntary leave of absence for the remainder of the semester.

In response to OCR, Cornell emphasized that the University did not organize or sponsor the off-campus rally where Rickford made the remarks. Rickford "was speaking as a private citizen, and

---

[658] Sofia Rubinson, "Cornell Professor 'Exhilarated' by Hamas's Attack Defends Remark," *Cornell Daily Sun*, Oct. 16, 2023, https://www.cornellsun.com/article/2023/10/cornell-professor-exhilarated-by-hamass-attack-defends-remark.
[659] Ryan Quinn, "Cornell Leaders Condemn Prof. 'Exhilarated' by Hamas Attack," *Inside Higher Ed*, Oct. 18, 2023, https://www.insidehighered.com/news/quick-takes/2023/10/18/cornell-leaders-condemn-prof-exhilarated-hamas-attack.
[660] Rubinson, "Cornell Professor 'Exhilarated' by Hamas's Attack Defends Remark."
[661] Cornell Interrogatories, p. 000037.
[662] Ibid., pp. 000038-39.

his actions were in no way affiliated with his duties as a member of the Cornell faculty."[663] The University stated that it offered support to students who were disturbed by Rickford's comments and increased campus security. In addition, Cornell argued that the OCR complaint does not appear to have come from the campus community given that the complaint identified the University as "the 'University of Cornell,' which no Cornellian would likely do."[664] In September 2024, Cornell responded to a follow-up request from OCR detailing the actions it had taken in response to pro-Palestinian protests and encampments on campus during the Spring 2024 semester and the ongoing efforts the University was undertaking to address antisemitism and the campus climate.

In March 2025, Cornell was one of the 60 universities that received a letter from OCR warning of "potential enforcement actions if they do not fulfill their obligations under Title VI of the Civil Rights Act to protect Jewish students on campus."[665]
In early April 2025, news outlets began reporting that the Trump administration had frozen $1 billion of Cornell's research funds. Cornell President Michael Kotlikoff said in his October 2025 State of the University address:

> Shortly thereafter, we started receiving stop-work orders "by direction of the White House": halting research on everything from better tests for tick-borne diseases, to pediatric heart assist pumps, to ultrafast lasers for national defense, to AI optimization for blood transfusion delivery. At the same time, many other research grants, while not officially canceled, stopped being paid.[666]

Kotlikoff noted that as of September 2025, the University was "facing nearly $250 million in canceled or unpaid research funds," as opposed to the $1 billion initially reported in the media.[667] Kotlikoff said that, "Although we've never received a formal letter as Harvard did, the government has indicated publicly that it has taken these actions because of concerns around antisemitism following pro-Palestinian activities on campus beginning in fall of 2023."[668]

In May 2025, Cornell responded to additional data requests from OCR, though Cornell noted that four out of the six requests did not pertain to the underlying antisemitism complaint. These requests included information about the University's undergraduate admission process; databases of the

---

[663] Ibid., p. 000037.
[664] Ibid., p. 000036.
[665] U.S. Dep't of Education, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities."
[666] Michael I. Kotlikoff, President of Cornell University, "State of the University, Given at the Trustee-Council Annual Meeting (TCAM) 2025," Oct. 24, 2025, https://president.cornell.edu/speeches-writings/2025-october-state-of-the-university-address/
[667] Ibid.
[668] Ibid.

applicant pool, including test scores and GPAs; and the racial and ethnic composition of applicants and admitted freshmen.[669]

Cornell entered negotiations with the Trump administration to unfreeze the research funds and, in November 2025, DOJ, ED, and HHS announced an agreement.[670] Although Cornell did not admit to any wrongdoing, the University agreed to pay $30 million to the federal government and invest another $30 million dollars in research programs to benefit farmers in the U.S. The University also agreed to:

- "Include the Department of Justice's 'Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination' of July 29, 2025 as a training resource to faculty and staff so long as that Guidance remains operative,"
- "Provide the United States with anonymized undergraduate admissions data…broken down by Cornell's individual colleges and schools, race, grade point average, and performance on standardized tests, on a quarterly basis," and
- "Continue to conduct annual surveys to evaluate the campus climate for Cornell students, including the climate for students with shared Jewish ancestry."[671]

This agreement is effective from November 7, 2025 through the end of 2028.

Rutgers University

Antisemitic Bias Complaint Data

The initial letter that Rutgers University (Rutgers) sent in response to the Commission's request was two pages. It answered a few interrogatory questions and provided the names of its relevant policies but included very little narrative. However, it included seven policies as attachments. Its next letter, sent a month later, was an additional four pages. It provided semester dates and answers to a few more interrogatory questions, primarily with URLs and university leaders' names. One of the pages was a list of addresses where complainants could send bias complaints if they did not want to submit online. Overall, their narrative response was sparse.

Because Rutgers did not send its complaint data in either of the first two letters, the Commission sent additional correspondence again requesting data two more times. Rutgers responded in February 2026 with a one-page letter answering the data request and including their complaint data for AY 2023-24 and AY 2024-25.

---

[669] Cornell Interrogatories, pp. 001783-809.
[670] Agreement between The United States of America and Cornell University, Nov. 7, 2025, https://statements.cornell.edu/2025/documents/cornell-settlement-agreement.pdf (accessed Feb. 26, 2026).
[671] Ibid.

Of the 222 complaints in the two academic years, 149 (67%) were related to antisemitism and 56 (25%) were related to Islamophobia. Four events (2%) related to both antisemitism and Islamophobia because they involved an exchange of slurs on both sides of an argument. The remaining 13 cases (6%) did not contain enough information to be categorized. Most complaints related to antisemitism were made by students (51.7%). The largest share of respondents were unknown (42.3%).

The data spreadsheets that Rutgers sent include a column about the nature of the complaint. The information about the incident is limited, so it is difficult to code using the typology discussed above (see Table 3.10). Some incidents might be miscategorized because the context is unclear. For instance, an antisemitic slur could be coded as "Harassment" or "Protest Harassment" depending on where it occurred. The Commission categorized the incidents based upon the limited description and acknowledges that there might be some error; therefore, the complaints should be taken as estimates. The incidents by category are shown below, in Table 3.13.

Table 3.13: Rutgers Antisemitism Complaints by Type, 2023-24 and 2024-25, N=149

Category	Percentage
Violence	1.0
Harassment	16.8
Discrimination	3.4
Visual Objects	28.9
Online Antisemitism	17.5
Protest Harassment	4.0
Protest Hostile Environment	12.1
Classroom/University Hostile Environment	8.1
Antisemitic Microaggressions	7.4
Other	1.3

The largest share of complaints at Rutgers were about visual objects (28.9%). These complaints include both symbols that are perceived as antisemitic and the removal or defacement of Jewish or Israeli symbols, such as the removal of a pro-Israel poster. Just under half of the complaints about antisemitic visual objects (46.5%) were related to pro-Palestine messages. It is important to note that the same visual object can be understood as more or less targeted depending on where it is displayed. For instance, an unknown person wrote "Free Palestine" on the dry erase board outside of a Jewish student's dorm. This could feel distinct from the same message on a sticker placed in an elevator, which was the incident in another complaint.

The next largest share of complaints at Rutgers were related to online antisemitism. While many of the reports are vague – e.g., "Antisemitic remark on social media" – those with details are varied

in overtness, as is true for all category types. One complaint in this category was about a student group, Students for Justice in Palestine (SJP), posting about their events on social media. Another complaint in this category was someone reporting that a faculty member's social media post condoned the fatal attacks on two people at the Jewish Museum in Washington, D.C.

Approximately 16% of complaints in these two years at Rutgers were related to protests. Complainants reported that protests and an encampment were disruptive to classes, a town hall, and an October 7th commemoration event. One complainant reported that protestors directed antisemitic comments to her. Three complaints were about someone expressing support for Rutgers divesting from funding companies that do business with Israel during a referendum. Some incidents that are not coded as directly related to protests are still tangentially related. For instance, one discrimination complaint was made by a Jewish student who was not allowed to join a student organization. The reason that the organization said it refused his entry was because he "harasses them at protests so they feared him at meetings."

Though there were no antisemitic incidents involving physical violence, there was one incident involving a threat of violence. This incident led to police involvement and the suspension of the student who made the threat.

As with other universities, the complaint data at Rutgers does not perfectly reflect antisemitism. Complaints may undercount antisemitic incidents as not all incidents are reported and overcount antisemitic incidents when some reports are not related to campus antisemitism. While data from Rutgers did not include many incident details, they included information about what happened with the complaint, including whether it resulted in an investigation.

Half of the 149 antisemitism complaints did not result in an investigation. Some were not investigated because they were resolved, like a student who made a complaint that their roommate made antisemitic remarks and then elected to let the Residence Life Coordinator mediate between them instead of pursuing a formal complaint. For others, the University determined that the conduct was protected free speech. The complaints about a referendum on divestment discussed above, for example, were not investigated because they are protected speech. Other complaints were not investigated because it was not possible for Rutgers to do so, such as for a complaint an alumnus made about a Pro-Israel flyer being removed in New York City. Rutgers could not investigate because Rutgers is not located in New York City and the complainant was not affiliated with the campus at the time of their complaint.

Rutgers briefly discussed discrimination/harassment on the basis of national origin in the outcome column for 26 complaints. It did not find that there was discrimination/harassment on the basis of national origin for any of these complaints. Like other universities, in many instances it could not identify the respondent or substantiate details of the complaint because the complainant did not

respond to its outreach. In other instances, Student Affairs or the Rutgers University Police Department investigated and did not find enough evidence to substantiate the national origin discrimination/harassment claim. For instance, one complaint of antisemitic harassment was about a broken egg found outside of a Jewish fraternity. The investigative body could not find the respondent and determined that this was not a clear case of antisemitic harassment because "non-Jewish affiliated fraternity houses across the campus also had been hit with eggs in the past and this one egg was dropped outside a side door, not thrown at the house."

Even though there were no official determinations of antisemitic discrimination or harassment at Rutgers, it is important to remember that these incidents can still cause harm. For instance, a student group wrote "Intifada" in chalk, which is protected speech under the First Amendment. Still, that language can be frightening. In its data spreadsheet, Rutgers included two columns about supportive measures they provided: one regarding the complainant and one regarding the respondent. It offered supportive services to both the complainant and respondent when they were known. These were mostly counseling services and resources through the appropriate office or person, such as the Office of Fraternity and Sorority Affairs or the student's Resident Assistant.

OCR Investigation(s)

Rutgers was the subject of three OCR Title VI investigations relating to national origin or shared ancestry during the period of this report. Two of these investigations involved complaints alleging that the University had discriminated against Jewish students on the basis of shared ancestry "by failing to respond promptly or effectively to incidents of antisemitic harassment by other students and/or employees, creating a hostile environment for Jewish and Israeli students and engaging in disparate treatment of such students…since October 2023."[672] The third investigation involved a complaint alleging that the University "engaged in an ongoing pattern and practice of anti-Palestinian discrimination, including disparate treatment and harassment, by faculty, students, and third parties, against other students on the basis of their actual or perceived national origin/ethnicity…since October 2023."[673]

The first complaint alleged that a Rutgers student had posted on social media, "Palestinian protesters, there is an [redacted content] at AEPi go kill him."[674] Although not formally affiliated with Rutgers, AEPi is a Jewish fraternity whose students attend the University. Rutgers investigated the report and disciplined but did not expel the student. The complaint also alleged that days after the social media post, eggs were thrown at students entering AEPi housing.

---

[672] U.S. Dep't of Education, Office of Civil Rights, Email to Jonathan Holloway, President of Rutgers University, "Re: Case Numbers 02-24-2122, 02-24-2386, and 02-24-2431 – Rutgers University," Jan. 2, 2025, p. 1, https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/02242122-a.pdf (accessed Feb. 27, 2026) [hereinafter Rutgers Resolution Letter].
[673] Rutgers Resolution Letter, p. 1.
[674] Ibid., p. 5.

The second complaint alleged that a student wearing a sweatshirt with an Israeli flag was barred from attending a University Progressive Club meeting and told that the club was a "Zionist-free space."[675] The complaint also alleged that pro-Palestinian protests during the spring 2024 semester, including an encampment and shouts of "globalize the intifada," had made Jewish students feel unsafe and caused some final exams to be postponed due to a disruptive protest.

The third complaint alleged that the University had failed to respond appropriately to a number of allegations of anti-Palestinian discrimination and harassment, including vandalism of the Center for Islamic Life, removal of Palestinian memorials and flags when items posted by other students were not removed, and failing to respond to anti-Palestinian discrimination (including an alleged assault on a Palestinian student and doxing[676] of students perceived to be Palestinian) in a manner equal to its response to discrimination against members of other national origin groups.
OCR investigated all three complaints and requested information about any other national origin related discrimination complaints reported to the University and its response to the complaints. OCR expressed concerns that Rutgers appeared not to have properly evaluated whether a hostile environment existed for students of Israeli and Palestinian origin or taken effective action in response to the likely hostile environment. In addition, OCR stated that the University appeared to "have treated students differently based on their national origin with respect to implementation of University policies and procedures governing student conduct and events on campus."[677]

Before OCR could complete its investigation into all three complaints, Rutgers requested voluntary resolution of these cases.[678] Therefore, in December 2024, the University and OCR entered into a voluntary resolution agreement. Rutgers agreed to:

- Review its antidiscrimination policies and procedure to ensure compliance with Title VI and submit copies of revised policies for OCR approval.[679]
- Issue a statement that "the University does not tolerate acts of discrimination, including harassment, on the basis of national origin…and that the University will take all necessary actions within its control, to address and ameliorate such discrimination."[680]
- "Conduct listening sessions between relevant University administrators and representatives from relevant affinity groups."[681]

---

[675] Rutgers Resolution Letter, p. 7.
[676] Doxing refers to the malicious posting of an individual's personal information online without their consent.
[677] Ibid., p. 12.
[678] Ibid., p. 2.
[679] Resolution Agreement, Rutgers University, Response to Interrogatories from the U.S. Commission on Civil Rights, Supplemental materials, Oct. 13, 2025, p. 1 [on file] [hereinafter Rutgers Resolution Agreement].
[680] Rutgers Resolution Agreement, p. 3.
[681] Rutgers Resolution Letter, p. 14.

- Provide OCR with the University's responses to all complaints related to national origin discrimination for AY 2023-2024 and 2024-2025.[682]
- Review and provide OCR with documentation related to all students and student groups against whom the University initiated student conduct proceedings in AY 2023-2024 to determine whether the student or group violated the Code of Student Conduct in relation to a complaint alleging discrimination on the basis of shared ancestry.[683]
- "Provide training to all employees and students addressing discrimination based on race, color, and national origin, including harassment based on shared ancestry and ethnic characteristics."[684]
- "Develop and administer a climate assessment to students and employees in the University to evaluate the climate with respect to national origin, including shared Jewish, Israeli, Palestinian, Arab, Muslim, and/or South Asian ancestry, or association with these national origins/ancestries."[685]
- Provide employees who investigate discrimination complaints with training to "ensure thorough and impartial investigations of discrimination allegations."[686]
- "Provide annual training for Campus Police Officers… on the University's nondiscrimination obligations under Title VI, how to work with the University's students in a manner consistent with the requirements of Title VI… and how to ensure accurate collection and reporting of data or information, including complaints, regarding public safety officer-student interactions."[687]

Each of these provisions was accompanied by requirements for reporting implementation to OCR.[688] It is unclear whether Rutgers implemented the components of the resolution agreement or whether OCR followed up on the implementation. Rutgers did not respond to the Commission's interrogatories related to changes in policies, reporting structures, and trainings since October 7th. The University also did not respond to the Commission's questions related to monitoring compliance with resolution agreements, metrics the institution uses to evaluate the effectiveness of its efforts to address antisemitism, external reviews of Title VI policies and procedures, or communications with federal agencies. Rutgers only provided a copy of the December 2024 resolution agreement. As noted elsewhere in this report, OCR did not respond to any of the Commission's interrogatories.

[682] Rutgers Resolution Letter, p. 14.
[683] Rutgers Resolution Agreement, p. 4.
[684] Rutgers Resolution Letter, p. 14.
[685] Ibid.
[686] Ibid.
[687] Ibid.
[688] Rutgers Resolution Agreement, pp. 3-11.

Despite having resolved these cases, Rutgers was one of the 60 universities to which ED issued warning letters in March 2025 for allegations of antisemitism.[689] ED's press release states that the letters were "addressed to all U.S. universities that are presently under investigation for Title VI violations relating to antisemitic harassment and discrimination."[690] The OCR website lists one open Title VI shared ancestry investigation for Rutgers that was initiated in June 2020.[691] It is unclear whether this investigation relates to antisemitism or another form of shared ancestry or what the complaint entailed because OCR only publishes Title VI complaints that resulted in an investigation going back to October 2023.[692]

Stanford University

Antisemitic Bias Complaint Data

The initial response that Stanford University (Stanford) sent to the Commission was an 11-page letter with links to its website and quoted policies, but no additional appendices or exhibits. Instead of specifically answering the interrogatory questions, Stanford more generally discussed their antidiscrimination policies, reporting and investigation process, and training. One section of its letter highlighted findings from its Antisemitism and Anti-Israeli Bias Subcommittee of the Jewish Advisory Committee, which argues that Stanford deserved a higher ADL report card grade in 2024 than the grade it received, which was a "D" (see Table 3.4).[693]

Because Stanford did not include the requested complaint data with their initial letter, the Commission sent two more requests for complaint data. Stanford replied with an additional three-page narrative letter. It did not include complaint data for the requested years but instead a single report from 2024-2025 that resulted in the finding of a Title VI violation. Stanford's letter provided a short summary of the complaint and details about its response. In this incident, a group of Jewish students was denied access to a building where they had previously been granted permission to film. The Resident Assistant (RA) who denied them entry was suspended. Additionally, the University implemented a new selection process for RAs that includes requiring them to review and sign Stanford's antidiscrimination policies.[694]

---

[689] U.S. Dep't of Education, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment."
[690] Ibid.
[691] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations."
[692] U.S. Dep't of Education, "Records related to Title VI Shared Ancestry or Ethnic Characteristics Investigations," https://www.ed.gov/laws-and-policy/civil-rights-laws/race-religion-and-national-origin/records-related-to-title-vi-shared-ancestry-or-ethnic-characteristics-investigations (accessed Feb. 26, 2026).
[693] Stanford Interrogatories.
[694] Stanford Interrogatories, supplemental response submitted Jan. 29, 2026, [on file].

Stanford's additional narrative letter also included a paragraph about how it enforces a policy related to campus disruptions.[695] The University provided two examples of disciplining groups of students for these violations. In one, a group of students tried to disrupt an event. In another, a group of students briefly occupied a building. It is unclear if either of these events resulted in bias complaints.

Stanford elected not to send the Commission its disaggregated complaint data. As a result, we cannot provide more information about antisemitic bias complaints at Stanford or how the University responded.

OCR Investigation(s)

Stanford was the subject of one OCR investigation between AY 2021-22 and AY 2024-25, initiated in December 2023.[696] Although the name of the complainant is redacted, the text of the complaint includes some of the same language as other complaints submitted by the Editor in Chief of Campus Reform,[697] a conservative group that monitors higher education for perceived leftist bias.[698] The complaint alleged that, in the days after the October 7th attack, an instructor told Jewish and Israeli students to stand in the corner of the classroom, saying "'This is what Israel does to the Palestinians.' The instructor then asked, 'How many people died in the Holocaust?' When a student answered, 'Six million,' the lecturer said, 'Colonizers killed more than 6 million. Israel is a colonizer.'"[699] The complaint also alleged that the same instructor asked students "where their ancestors were from and labeled them as a 'colonizer' or 'colonized.'"[700] The complaint then argued that the pro-Palestinian events, slogans, and signs on campus attempt to "justify the wanton slaughter of Jews that Hamas has committed, including raping, murdering, and kidnapping."[701] In addition, the complaint points to reports of a hate crime investigation into an antisemitic drawing found on the whiteboard affixed to a Jewish student's dorm room door in March 2023.[702] The University issued a statement in March 2023 that their Department of Public Safety was investigating the incident and informed students of support resources available on campus.[703]

---

[695] Stanford University, "Campus Disruptions, Policy Statement," https://bulletin.stanford.edu/academic-polices/student-conduct-rights/campus-disruptions.
[696] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations."
[697] Email to Dep't of Education, Office for Civil Rights, "Title VI Complaint against Stanford University," Nov. 19, 2023, p. 3, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ca-stanfordu-1-complaintandnotlet.pdf (accessed Mar. 5, 2026) [hereinafter Stanford Complaint]; *Compare with* ASU Complaint, p. 2.
[698] Campus Reform, "Mission," https://www.campusreform.org/about (accessed Feb. 26, 2026).
[699] Stanford Complaint, p. 1.
[700] Ibid., p. 2.
[701] Ibid., p. 3.
[702] Rebekah Riess, "Stanford University Police Launch Hate Crime Investigation after Antisemitic Drawing Found on Jewish Student's Dorm Room Door," *CNN*, Mar. 13, 2023, https://www.cnn.com/2023/03/13/us/stanford-university-antisemitic-drawing-investigation/index.html (accessed Mar. 5, 2026).
[703] Susie Brubaker-Cole, Patrick Dunkley, Laurie Hahn Tapper, Tiffany Steinwert, "Message Regarding Nazi Swastikas Found in a Student Residence," *Stanford Report*, Mar. 11, 2023, https://news.stanford.edu/stories/2023/03/swastikas-found-student-residence (accessed Mar. 5, 2026).

Stanford did not answer the Commission's questions regarding OCR investigations, so it is unclear how it responded to OCR. However, the University did release a statement on October 11, 2023, that addressed the incident with the instructor identified in the complaint. In the statement, the President and Provost said:

> We have received a report of a class in which a non-faculty instructor is reported to have addressed the Middle East conflict in a manner that called out individual students in class based on their backgrounds and identities. Without prejudging the matter, this report is a cause for serious concern. Academic freedom does not permit the identity-based targeting of students. The instructor in this course is not currently teaching while the University works to ascertain the facts of the situation.[704]

The statement reminded students that "controversial and even offensive speech is allowed except when it crosses the line into certain illegal categories," but that threats and harassment would not be tolerated. The University also reminded students that it has "content- and viewpoint-neutral time, place, and manner rules that limit locations for banners and signs," and said that banners and signs posted in places where they were not allowed had been removed.[705]
Stanford was one of the 60 universities with pending Title VI investigations that received a warning letter from ED in March of 2025 regarding allegations of antisemitism.[706] At the writing of this report, it appears that the case remains open.[707]

University of California, Los Angeles

Antisemitic Bias Complaint Data

The initial response from the University of California, Los Angeles (UCLA) to the Commission was a thorough 35-page narrative letter with a separate file containing dozens of attachments. The attachments are named with Bates numbers, which are referenced in the body of the letter. Instead of answering every interrogatory question, UCLA elected to organize its response by categories created from the subheadings of the interrogatory request.

UCLA's letter included a paragraph about the nature of antisemitic complaints in this period generally. It highlighted three broad complaint categories, which are consistent with underlying data from other universities. One category of complaints were related to protests generally but

---

[704] Richard Saller and Jenny Martinez, "An Update for the Stanford Community," *Stanford Report*, Oct. 11, 2023, https://news.stanford.edu/stories/2023/10/update-stanford-community (accessed Mar. 5, 2026).
[705] Ibid.
[706] U.S. Dep't of Education, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities."
[707] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations."

were not about a specific individual or conduct, "e.g., holding allegedly offensive signs, wearing keffiyehs, expressing pro-Palestinian bias, identifying as Palestinian, etc."[708] The second category of complaints were related to allegations of antisemitism on social media sites. UCLA's final complaint category includes several "discrete instances of alleged antisemitic conduct, usually involving allegedly antisemitic comments, remarks, or other expression."[709] Though the University did not provide any numbers or underlying data, its letter stated that many of the complaints are still open. Of those that are closed, either the investigation is complete or there was insufficient evidence to open a formal investigation.

UCLA's letter included a thorough discussion of campus protests, which also partially illuminates incidents that might have been the basis of antisemitism complaints. The University explained the incident and consequences for two student groups whose protests violated their policies. The ultimate consequence was that the University revoked the Student Group status of two groups – SJP and Graduate Students for Justice in Palestine – for participating in a disruptive protest at the home of a UC Regent.[710]

UCLA's initial letter did not include the complaint data requested by the Commission. As such, we sent them three additional emails to request their data. In late February 2026, we received an email from outside counsel for UCLA informing us that they are evaluating our data requests in light of a recent lawsuit from the federal government "alleging a hostile work environment for Jewish and Israeli employees" at UCLA.[711]

OCR Investigation(s)

UCLA was the subject of three Title VI shared ancestry investigations based on complaints submitted to OCR between AY 2021-22 and AY 2024-25.[712] One complaint alleged that the University had failed to respond appropriately to harassment and differential treatment of Jewish students based on national origin.[713] The other two complaints alleged that the University had

[708] UCLA Interrogatories.
[709] Ibid.
[710] UCLA Interrogatories; *see also,* University of California, Los Angeles, "Student Organizations, Leadership & Engagement," https://sa.ucla.edu/RCO/public/search.
[711] UCLA Interrogatories, supplemental email response submitted Feb. 27, 2026 [on file].
[712] UCLA Interrogatories, p. 9. An additional complaint (9-19-2070) was based on an incident in 2018 and appears to have been submitted in 2019, making the complaint outside the scope of this report. This investigation was closed in January 2025 with the finding that "there was insufficient evidence to support a conclusion that the University failed to comply with Title VI;" *see* Dep't of Education, Office for Civil Rights, Email to Dr. Darnell Hunt, Interim Chancellor, University of California, Los Angeles, "Re: University of California, Los Angeles - OCR Case Number 09-19-2070," Jan. 13, 2025, https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09192070-a.pdf (accessed Mar. 5, 2026).
[713] U.S. Dep't of Education, Office of Civil Rights, Email to Michael V. Drake, President, University of California, "University of California, Los Angeles - OCR Case Numbers 09-22-2257, 09-24-2336, and 09-24-2352; University of California, Santa Barbara - OCR Case Number 09-24-2228; University of California, San Diego - OCR Case Number 09-24-2092; University of California, Davis - OCR Case Numbers 09-24-2038, 09-24-

failed to respond appropriately to harassment of Palestinian and Muslim students based on their actual or perceived national origin and had engaged in differential treatment of these students based on national origin.[714] Before OCR completed these investigations, the University of California (UC) requested to voluntarily resolve these complaints, along with complaints against other UC campuses, through a comprehensive resolution agreement.[715] The University and OCR entered into an agreement to resolve these cases in December 2024.[716]

The first OCR complaint against UCLA alleged that Jewish students were being "threatened and physically intimidated" when they tried to "observe and document" events organized by the UCLA chapter of SJP during "Palestine Liberation Week" in April 2022.[717] The complaint also alleged that the University failed to respond to harassment of Jewish students during pro-Palestinian protests in the aftermath of the October 7th attacks and during the spring 2024 semester.[718] In addition, the complaint alleged that UCLA had failed to respond to differential treatment of Jewish students when a pro-Palestinian encampment denied Jewish and Israeli students access to parts of the campus, when a Jewish student was denied the opportunity to audit a class, and when a student group admitted pro-Palestinian students to a movie screening for free while charging other students $5.[719] The last two allegations were dismissed due to insufficient evidence of disparate treatment based on Jewish ancestry and insufficient evidence that the University was aware of the different treatment, respectively.[720]

The second and third OCR complaints alleged that the University had failed to protect students of Palestinian and Muslim ancestry from physical and verbal harassment, including violent and threatening comments made to pro-Palestinian protestors; unwanted filming, doxing, and following by other students and members of the public; and violent attacks on protesters by counter-protesters.[721] In addition, the complaints alleged that UCLA had engaged in differential treatment when pro-Palestinian posters were removed from the law school student bulletin boards but inflammatory, pro-Israel fliers were not removed.[722]

2283, and 09-24-2312; University of California, Santa Cruz - OCR Case Number 09-24-2224," Dec. 20, 2024, pp. 4-5, https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09222257-a.pdf (accessed Mar. 6, 2026) (hereinafter UCLA OCR Resolution Letter).

[714] UCLA OCR Resolution Letter, p. 5.

[715] Ibid., p. 1.

[716] U.S. Dep't of Education, Office for Civil Rights, "Resolution Agreement, The University of California," Dec. 18, 2024, https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09222257-b.pdf (hereinafter UCLA Resolution Agreement).

[717] Email to U.S. Dep't of Education, Office for Civil Rights, "Re: OCR Case No. 09-19-2070," Apr. 7, 2022, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/ca-ucalla-1-compandnotlet.pdf (accessed Mar. 5, 2025).

[718] UCLA OCR Resolution Letter, p. 4.

[719] Ibid.

[720] Ibid., p. 2.

[721] Ibid., p. 5.

[722] Ibid.

During the course of its investigations, OCR identified several compliance concerns for the UCLA campus. OCR noted that the University appeared to not have responded "promptly or effectively to a possible or apparent hostile environment based on national origin, including Jewish, Palestinian, Muslim, and/or Arab ancestry." [723] The University had determined that the alleged harassing conduct involved speech protected under the First Amendment but had not assessed whether the "alleged conduct nonetheless created a hostile environment… for affected students."[724] Additionally, OCR noted that the evidence UCLA provided suggested that the University treated reports of harassment as isolated incidents rather than evaluating whether the "totality of circumstances created a hostile environment for certain students."[725] Finally, OCR noted that UCLA appears to have failed to ensure equal access to Jewish students when they were physically blocked from accessing certain areas of the campus during the spring 2024 pro-Palestinian encampment. This finding is underscored by a district court judge granting a preliminary injunction for Jewish students in August 2024, requiring that UCLA ensure equal access to all campus programs, activities, and areas.[726]

The University entered into a resolution agreement with OCR to close these cases on December 18, 2024.[727] Each provision of the agreement included reporting requirements so that OCR could monitor compliance with the agreement. The University agreed to:

- Provide OCR with any proposed changes to its nondiscrimination policies and procedures for OCR approval.
- Provide annual training to "employees responsible for investigating complaints and other reports of discrimination, including harassment… to ensure a thorough and impartial investigation."[728]
- Provide annual training to campus police and public safety offices on "how to work with the University's students and employees in a manner consistent with the requirements of Title VI" and "how to ensure accurate collection and reporting of data or information."[729]
- Provide OCR with information related to all discrimination complaints received for AY 2023-2024 and 2024-2025.[730]
- Develop and conduct a climate assessment survey and identify steps that the University can take to improve the campus climate based on the results.[731]

[723] Ibid., p. 28.
[724] Ibid.
[725] UCLA OCR Resolution Letter, p. 31.
[726] *Frankel v. Regents of the Univ. of Cal.*, 744 F.Supp.3d 1015 (C.D. Cal. 2024).
[727] UCLA Resolution Agreement.
[728] Ibid., p. 2.
[729] Ibid., p. 3.
[730] Ibid., p. 5.
[731] Ibid., p. 7.

- Issue a statement that "the University does not tolerate acts of discrimination, including harassment…and that the University will take all necessary actions promptly and effectively to address such discrimination…and remedy its effects as appropriate."[732]
- Investigate whether students were blocked from accessing parts of campus based on their Jewish ancestry during the spring 2024 encampment, whether classes or office hours were held in the encampment, and whether UCLA police or public safety officers treated individuals differently based on their actual or perceived national origin when responding to the spring 2024 encampment; and offer individual remedies, "such as counseling, academic adjustments, opportunities to make up missed classes or coursework, tuition reimbursement, and removal of any academic or disciplinary consequences related to harassment or disparate treatment," to those who were harassed or treated differently based on their national origin.[733]
- Open investigations into any new reports of harassment or disparate treatment or provide OCR with a rationale for why the University did not open an investigation within 30 days of receiving notice about the complaint from OCR and provide detailed reports of the investigations to OCR.

Despite the resolution of these cases, in February 2025, the Joint Task Force to Combat Antisemitism announced that it would be visiting UCLA to "[gather] information" about antisemitic incidents since October 2023 and "[consider] whether remedial action is warranted."[734] UCLA told the Commission that to its knowledge the DOJ's Title VI investigation "was not prompted by an administrative complaint from a student or other community member at UCLA."[735] On July 29, 2025, DOJ announced that it had found UCLA in violation of Title VI based on the antisemitism that Jewish students on campus had faced since October 2023.[736] In its violation letter to UCLA, DOJ focused on the University's response to the spring 2024 encampment.[737] Two days later, the

[732] Ibid., p. 8.
[733] Ibid., p. 10.
[734] U.S. Dep't of Justice, Office of Public Affairs, "Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism," Feb. 28, 2025, https://www.justice.gov/opa/pr/federal-task-force-combat-antisemitism-announces-visits-10-college-campuses-experienced (accessed Mar. 9, 2026).
[735] UCLA Interrogatories, p. 9.
[736] U.S. Dep't of Justice, Office of Public Affairs, "Justice Department Finds the University of California-Los Angeles in Violation of Federal Civil Rights Law," Jul. 29, 2025, https://www.justice.gov/opa/pr/justice-department-finds-university-california-los-angeles-violation-federal-civil-rights (accessed Mar. 9, 2026).
[737] Harmeet K. Dhillon, Assistant Attorney General, Civil Rights Division, U.S. Dep't of Justice, Email to Michael V. Drake, President, University of California, "Re: U.S. Department of Justice Notice of Findings Regarding the University of California, Los Angeles," https://www.justice.gov/crt/media/1409416/dl?inline (accessed Mar. 9, 2026).

Trump administration began freezing UCLA's federal research funds,[738] to a sum of approximately $584 million.[739]

The DOJ's announcement of the violation came on the same day that UCLA announced their settlement of the lawsuit brought by three Jewish students and one faculty member when the spring 2024 encampment blocked them from entering certain parts of the campus.[740] As part of the settlement, the University agreed to invest $320,000 into UCLA's Initiative to Combat Anti-semitism and "contribute $2.33 million to eight organizations that combat antisemitism and support the UCLA Jewish community."[741] The University also pointed to steps that had already been implemented to combat antisemitism, including conducting trainings for the campus community, prohibitions against encampments, participating in Hillel's Campus Climate Initiative, and sending teams to attend the Brandeis University Summer Institute on Antisemitism in Higher Education.[742]

On August 8, 2025, the DOJ proposed a $1.2 billion settlement to unfreeze government funds at UCLA. The proposal required changes to the University's policies, including review of its Diversity, Equity, and Inclusion (DEI) policies to "eliminate 'identity-based preferences' in faculty hiring and scholarship programs," prohibiting diversity statements in its admissions process, complying with the Trump administration's recognition of male and female as the only two sexes, banning transgender athletes from women's sports, and ensuring that "'foreign students likely to engage in anti-Western, anti-American, or antisemitic disruptions or harassment' are not admitted to UCLA."[743] The American Association for University Professors (AAUP) sued the administration over the funding freeze and, on November 14, 2025, a U.S. District Court judge granted a preliminary injunction, stating that the administration had "flouted the requirements of Title VI and IX and cancelled funding in an arbitrary and capricious manner while ignoring required procedural safeguards."[744]

Alyssa Lareau, a former civil rights attorney at DOJ, told the Commission that "the court described [the] administration's actions as following a three-stage playbook" in the UCLA case:

---

[738] University of California, Los Angeles, Office of the Chancellor, "The Loss of Federal Funding is a Loss for America," Jul. 31, 2025, https://chancellor.ucla.edu/messages/the-loss-of-federal-funding-is-a-loss-for-america (accessed Mar. 9, 2026).
[739] Jaweed Kaleem, "Trump Administration Drops Appeal of Court Order Blocking $1.2-Billion UCLA Settlement," *Los Angeles Times*, Feb. 13, 2026, https://www.latimes.com/california/story/2026-02-13/trump-drops-appeal-of-court-order-blocking-uc-ucla-settlement (accessed Mar. 9, 2026).
[740] University of California, Office of the President, "University of California Announces Settlement in Litigation Related to Antisemitism on Campus, Makes Significant Contributions to Organizations Committed to Fighting Antisemitism," Jul. 29, 2025, https://www.universityofcalifornia.edu/press-room/university-california-announces-settlement-litigation-related-antisemitism-campus-makes (accessed Mar. 9, 2025).
[741] Ibid.
[742] University of California, "UC has Taken Significant Action to End Antisemitism on Campus," https://www.universityofcalifornia.edu/press-room/combating-antisemitism (accessed Mar. 9, 2025).
[743] Lynn La, "What's Inside Trump's $1.2-Billion Settlement Demand Letter to UCLA? It's Finally Public," *Cal Matters*, Oct. 27, 2025, https://calmatters.org/newsletter/trump-ucla-settlement-proposal/ (accessed Mar. 9, 2025).
[744] *Am. Ass'n of Univ. Professors v. Trump*, 815 F.Supp.3d 907, 931 (N.D. Cal. 2025).

> [A]ccording to the [court], stage 1 entails announcing investigations or planned enforcement actions related to federal funding recipients' alleged civil rights violations. Stage 2 entails federal funding agencies cancelling all of the recipients' federal grants without following statutory procedural requirements for termination and without limiting the scope of the terminations to noncompliant programs. And…stage 3 entails the federal government demanding a significant monetary penalty that is not authorized by the civil rights statutes and requiring a wide range of policy changes as a condition for restoring funding and avoiding further funding disruptions. The court concluded that the Administration's actions violated the Administrative Procedure Act for failing to adhere to Title VI's procedural requirements.[745]

On February 13, 2026, the Trump administration dropped its appeal of this injunction.[746] Then, on February 24, 2026, DOJ sued UCLA for violating Title VII of the Civil Rights Act, alleging that the University had failed to respond to a hostile work environment for University employees.[747] On May 26, 2026, DOJ again sued UCLA, this time for violating Title VI.[748] The government alleged that the University was deliberately indifferent to an antisemitic hostile environment on campus.[749] Both suits are ongoing as of the writing of this report.

University of Minnesota Twin Cities

Antisemitic Bias Complaint Data

The University of Minnesota Twin Cities (UMN) sent the Commission an 11-page narrative letter with dozens of attachments. The letter did not address the interrogatory questions numerically, instead ordering by subheadings that they created (e.g., Introduction, Factual Background). UMN's categories did not completely align with the interrogatory questions so did not address all the questions. Some information might have been contained in the many pages of attachments, but it was unclear what each attachment was meant to address as they did not have descriptive names, just numbers, and those numbers were not referred to in the narrative letter. The attachments included different types of material, such as campus messages, the full text of policies, and Title

---

[745] Alyssa Lareau, former Attorney for the Federal Coordination and Compliance Section, Civil Rights Division, Dep't of Justice, testimony, *Antisemitism Briefing*, pp. 103-104 [hereinafter Lareau testimony].
[746] Jaweed Kaleem, "Trump Administration Drops Appeal of Court Order Blocking $1.2-Billion UCLA Settlement," *Los Angeles Times*, Feb. 13, 2026, https://www.latimes.com/california/story/2026-02-13/trump-drops-appeal-of-court-order-blocking-uc-ucla-settlement (accessed Mar. 9, 2026).
[747] Alan Blinder, Michael C. Bender, and Anemona Hartocollis, "Justice Department Sues University of California Over Antisemitism," *New York Times*, Feb. 24, 2026, https://www.nytimes.com/2026/02/24/us/justice-department-ucla-lawsuit.html (accessed Mar. 9, 2026).
[748] U.S. Dep't of Justice, "Justice Department Sues University of California for Antisemitic Hostile Educational Environment," May 26, 2026, https://www.justice.gov/opa/pr/justice-department-sues-university-california-antisemitic-hostile-educational-environment (accessed May 26, 2026).
[749] *Complaint, United States v. Regents of the University of California*, No. 2:26-cv-05589 (C.D. Cal. filed May 26, 2026), https://www.justice.gov/crt/media/1442381/dl (accessed May 26, 2026).

VI training slides. It is possible that some interrogatory questions were addressed in the attachments, but that was unclear without a narrative context.

UMN's letter explained its bias complaint reporting process, highlighting its quick response time with a story of a student who submitted a complaint about how the website worded information about kosher dining options. It did not include complaint data, so the Commission sent two additional emails to request it again. UMN sent a supplemental narrative letter about complaints in response. The four-page letter reiterated its complaint process and provided its definition of bias incidents. It also provided a summary of complaints for the years of the study. Its summary is about all bias incidents, not just those related to religion or specifically antisemitism.

In the second letter, UMN included information that is relevant to this report in its 2023-24 summary. The number of bias complaints almost tripled in 2023-24. The University attributes this increase "to the campus community's responses to the October 7, 2023 attack on Israel and the ensuing conflict in the Middle East."[750] There were two significant increases in reporting: one following the Hamas attacks on October 7th and one in April 2024 during campus protests and encampments. The share of bias reports about religion increased tenfold from the prior year, most of which related to incidents against people with Jewish or Muslim identities. There were 56 total bias incidents, 28 of which were distinct, based on Jewish or Israeli identity during this academic year.
The University found Title VI violations in two of the bias incidents relating to Jewish or Israeli identity in 2023-24. In the first, "swastikas and the name of a terrorist group was found on a whiteboard outside a dorm room."[751] The responsible parties could not be identified. In the second official Title VI violation, a student was harassed at a protest: an Israeli flag was ripped out of their hand, and they were subjected to antisemitic slurs. The University could also not identify the respondents in this incident.

The other relevant information in UMN's supplemental letter is that there was a substantial decrease in overall bias reports, including those based on religion, in AY 2024-25. There were 28 total bias reports relating to Jewish or Israeli identity in 2024-25 compared to 56 the prior year.
UMN has not replied to an additional request for their underlying data as of the writing of this report.

OCR Investigation(s)

According to OCR's website, UMN has one open Title VI investigation involving shared ancestry, initiated in January 2024.[752] On February 3, 2025, OCR announced that it was opening Title VI

[750] UMN Interrogatories, supplemental response submitted Feb. 10, 2026 [on file].
[751] Ibid.
[752] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations."

shared ancestry investigations into five universities, including UMN.[753] However, the investigation initiated in January 2024 is the only investigation listed on the OCR website. Because neither the University nor OCR responded to interrogatories related to OCR complaints,[754] it is unclear whether the investigation announced in February 2025 is a new investigation that has not been included on OCR's website or a continuation of the 2024 investigation. Additionally, in February 2025, UMN was one of ten universities the Joint Taskforce to Combat Anti-Semitism announced it would be visiting.[755] It is unclear whether this visit took place.

The complaint associated with the January 2024 investigation alleged that the College of Liberal Arts (CLA) had "allowed entire departments to post antisemitic faculty statements condemning Israel, and justifying the terrorist attacks by Hamas, on official departmental websites hosted by the University of Minnesota."[756] The complaint attached a copy of the Department of Gender, Women, and Sexuality Studies (GWSS) Faculty Statement on Palestine, which was posted to the Department webpage on October 13, 2023. The post stated, in part:

> In the last week**,** violence has dramatically escalated in Palestine. After Hamas fighters brought down border fences and launched an incursion into Israeli territory, Israel responded by declaring total war on Gaza. On October 12, 1.1 million Gazans were given 24 hours to "evacuate" despite all checkpoints being closed and documented bombings of evacuees.
>
> We mourn for the many lives lost. We stand in solidarity with the Palestinian people, and with Palestinian scholars and organizers. At a time when so many institutions are renewing a commitment to Israel's right to "self defense," we assert that Israel's response is not self-defense but the continuation of a genocidal war against Gaza and against Palestinian freedom, self-determination, and life.[757]

---

[753] U.S. Dep't of Education, "U.S. Department of Education Probes Cases of Antisemitism at Five Universities," Feb. 3, 2025, https://www.ed.gov/about/news/press-release/us-department-of-education-probes-cases-of-antisemitism-five-universities (accessed Feb. 26, 2026).
[754] UMN Interrogatories.
[755] U.S. Dep't of Justice, "Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism."
[756] Michael D. Hsu and Richard W. Painter, Email to the Dep't of Education, Office of Civil Rights, Dec. 9, 2023, "Title VI Complaint Concerning Antisemitism at the University of Minnesota," p. 1, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/mn-uofmn-1-compandnotlet.pdf (accessed Mar. 3, 2026) (hereinafter UMN Complaint).
[757] Department of Gender, Women, and Sexuality Studies, University of Minnesota, "GWSS Faculty Statement on Palestine," Oct. 13, 2023, Reproduced in UMN Complaint, p. 10.

The statement further called on the University to support BDS against Israel, to "reaffirm a commitment to academic freedom, and to protect all in the University community who speak out against Israeli and U.S. violence."[758]

The complaint to OCR alleged that this statement was not taken down "despite requests from Jewish faculty and others concerned about the impact on Jewish students seeking to study in these departments,"[759] and argued that "Jewish students seeking a degree from the University in these CLA departments are very likely to be intimidated and discouraged from pursuing educational opportunities that should be available to them under state and federal law."[760]

Although UMN did not mention the OCR investigation in its response to the Commission's interrogatories, the University did address "unsanctioned statements" by university departments, which "ran the risk of being misinterpreted as speaking for the University."[761] The University said that these statements "led the President to convene a Task Force on Institutional Speech. This work ultimately resulted in the Board of Regents passing a resolution that introduces clear rules on institutional speech, including speech by discrete units of the University."[762] The March 2025 resolution states that, "Institutional statements addressing matters of public concern or public interest are not permitted at the University unless determined by the President to have an actual or potential impact on the mission and operations of the University."[763]

As of the writing of this report, it appears that the investigation into UMN is ongoing; the 2024 case remains on OCR's list of open investigations and there are no resolutions with UMN related to antisemitism posted on the OCR resolution website.[764]

University of North Carolina at Chapel Hill

Antisemitic Bias Complaint Data

The initial response that the University of North Carolina at Chapel Hill (UNC) sent to the Commission was a 12-page letter with links to policies. The letter included a narrative response to some, but not all, interrogatory questions. It also included all relevant policies but was light on narrative details.

---

[758] Ibid., p. 11.
[759] UMN Complaint, p. 1.
[760] Ibid.
[761] UMN Interrogatories, p. 5.
[762] Ibid.
[763] University of Minnesota, "Minutes of the March 2025 Meeting of the University of Minnesota Board of Regents," Mar. 14, 2025, p. 76, https://regents.umn.edu/sites/regents.umn.edu/files/2025-03/docket-bor-mar2025-v5.pdf (accessed Mar. 4, 2026).
[764] U.S. Dep't of Education, Office for Civil Rights, "Office for Civil Rights Recent Resolution Search," https://ocrcas.ed.gov/ocr-search?sort_order=ASC&sort_by=field_recipient_name&keywords=minnesota%2A&f%5B0%5D=ocr_statutes%3A526&f%5B1%5D=state_fullname%3A663 (accessed Mar. 4, 2026).

Because UNC did not include a list of incidents in its response, the Commission emailed two more times to again request complaint data. At the end of January 2026, UNC sent a spreadsheet with incident data. While we appreciate the data they sent, the spreadsheet was somewhat hard to read because the "Nature of Complaint" column included the "(i) status (i.e., student, faculty, non-affiliate) of the Reporting Party and the Responding Party, if known, and (ii) the alleged antisemitic conduct (i.e., discrimination or harassment)."[765] Additionally, the complaints were aggregated by year and did not contain details about the reported incidents. The aggregated data are shown below in Table 3.14.

Table 3.14: UNC Antisemitism Complaints by Year

	2021-22	2022-23	2023-24	2024-25	Overall
Total Complaints	**7**	**10**	**83**	**32**	**132**
% Discrimination	42.9	60.0	49.4	46.9	**49.2**
% Harassment	42.9	40.0	50.6	53.1	**50.0**
% Not Categorized	14.3	0.0	0.0	0.0	**0.8**
Complainant (%)					
Student(s)	71.4	100.0	56.6	40.6	**56.8**
Student Organization	0.0	0.0	0.0	3.1	**0.8**
Employee(s)	14.3	0.0	21.7	25.0	**20.5**
Unaffiliated	14.3	0.0	12.1	25.0	**14.4**
Unknown	0.0	0.0	8.4	3.1	**6.1**
Multiple	0.0	0.0	1.2	3.1	**1.5**
Respondent (%)					
Student(s)	14.3	10.0	22.9	18.8	**20.5**
Student Organization	0.0	10.0	15.7	15.6	**14.4**
Employee(s)	14.3	10.0	21.7	12.5	**18.2**
Unaffiliated	14.3	10.0	2.4	0.0	**3.0**
Unknown	57.1	60.0	36.1	50.0	**42.4**
Multiple	0.0	0.0	1.2	3.1	**1.5**

As the table above shows, there was a substantial increase in the number of complaints related to antisemitism in 2023-24 compared to the previous year. Over these four academic years, there were 132 complaints, 83 of which were in 2023-24. Most complainants in these four years were students (56.8%). The largest share of respondents were unknown (42.4%). Though UNC's data includes an outcome variable, the outcome categories it used are vague. In most instances UNC provided resources or supportive measures. For two complaints the outcome was "Chancellor Message," presumably to the whole community. For one complaint the responding party's employment ended, but it is unclear if that person ended it or if the University ended it.

[765] UNC Interrogatories.

While these data are helpful to understand some of the incidents and the University's response, it did not provide details that could help flesh out the more nuanced landscape of antisemitism. As of the writing of this report, the Commission has not received UNC's disaggregated data.

OCR Investigation(s)

UNC did not provide information about OCR cases in its response to the Commission's interrogatories.[766] The OCR website lists three pending investigations into Title VI shared ancestry complaints against UNC, which were opened on February 9, 2023; December 2, 2023; and May 6, 2024.[767] Because the OCR website only includes the details of complaints since October 2023, it is unclear what the February 2023 complaint alleged.

The December 2023 complaint alleged that the University was allowing antisemitic harassment in violation of Title VI and a December 2019 resolution agreement with OCR. The complaint stated that a professor in the Communications Department made "a series of offensive, disdainful, and antisemitic comments about Israel" during class.[768] Examples of these comments included the professor saying that "the existence of the State of Israel is 'somewhat ridiculous'" and that Israel "is a clearly fascist state committing genocide under the guise of it supposedly being the only democracy in the Middle East."[769] The complaint also alleged that during a round-table talk organized by two university departments, one speaker expressed that "October 7, for many of us from the region, was a beautiful day. It was a day on which we saw ... men break out of a concentration camp."[770] The speaker also allegedly said that "Zionism is a 'cancer'" and that "the eradication of Zionism" should be "our goal."[771] Although the speaker was not a university employee, the complaint notes that the remarks were made at an on-campus, university-sponsored event. The complainant argues that these remarks constitute antisemitism under the IHRA definition because they "[deny] the Jewish people their right to self-determination" and "[draw] comparisons of contemporary Israeli policy to that of the Nazis."[772]

The May 2024 OCR complaint alleged that UNC had "engaged in a pattern of different treatment when it comes to Palestinian students and their allies," in violation of Title VI.[773] The complaint

---

[766] Ibid.
[767] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations."
[768] Email to U.S. Dep't of Education, Office for Civil Rights, "Complaint, Pursuant to Title VI, Against the University of North Carolina at Chapel Hill for Unlawful Discrimination and for Breach of a Resolution Agreement," Dec. 7, 2023, p. 4, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/nc-unc-1-compandnotlet.pdf (accessed Mar. 3, 2026) [hereinafter UNC Antisemitism Complaint].
[769] UNC Antisemitism Complaint, p. 4.
[770] Ibid., p. 5.
[771] Ibid.
[772] Ibid., p. 6.
[773] Zoha Khalili, Senior Staff Attorney, Palestine Legal, Email to U.S. Dep't of Education, Office for Civil Rights, "Title VI Complaint Against University of North Carolina-Chapel Hill (National Origin-Palestinian)," Apr. 5, 2024, https://www.ed.gov/sites/ed/files/policy/gen/leg/foia/nc-uncchapelhill-1-compandnotlet.pdf (accessed Mar. 3, 2026) (hereinafter UNC Anti-Palestinian Complaint).

stated that in the aftermath of October 7th, the University proactively reached out to Israeli students with support resources but did not do the same for Palestinian students after Israel's retaliation, even after leaders of Arab and Muslim student groups met with administrators to request similar treatment.[774] The complaint also stated that a professor had harassed students protesting for Palestine, calling them "Nazis," and the University had failed to respond to this incident or "take any apparent action to protect students who have faced doxing, harassment, and threats as a result of their actual or perceived Palestinian identity or affiliation."[775] Additionally, the complaint alleged that the University had treated peaceful pro-Palestinian protests differently than similar protests about other issues, with a police response and threats of arrest and academic sanctions if students did not leave.[776]

Because UNC did not answer the Commission's questions related to OCR investigations or interactions with federal agencies, it is unclear how UNC responded to the allegations. UNC told the Commission that it did not enter any resolution agreements regarding antisemitism from AY 2021-22 through AY 2024-25[777] and none are listed on the OCR website for this time period.[778] In March 2025, UNC was one of the 60 universities with open Title VI cases to which ED issued warning letters.[779]

Vanderbilt University

Antisemitic Bias Complaint Data

The initial response document that Vanderbilt University (Vanderbilt) sent to the Commission was 746 pages. The first six pages were the narrative letter; the rest of the document consisted of exhibits. For the narrative response Vanderbilt chose to reply by theme instead of specific interrogatory questions. Its categories were: 1) Institutional Structure and Responsibilities; 2) Policies, Procedures, and Complaints Related to Discrimination and Harassment; 3) Monitoring, Follow-Up, and Federal Communications; and 4) Protests and Demonstrations.[780] Its narrative responses included long quotes from its policies and handbooks. The exhibits were an assortment of different types of material, including organizational charts, student and faculty handbooks, and OCR complaint correspondence.

Vanderbilt's long interrogatory response did not include a list of bias complaint incidents. The Commission sent three additional emails to again request their complaint data. At the end of

[774] UNC Anti-Palestinian Complaint, pp. 2-3.
[775] Ibid., pp. 3-4.
[776] Ibid., pp. 5-6.
[777] UNC Interrogatories, p. 12.
[778] U.S. Dep't of Education, Office for Civil Rights, "Office for Civil Rights Recent Resolution Search."
[779] U.S. Dep't of Education, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities."
[780] Vanderbilt Interrogatories.

February 2026, the University sent information about the antisemitism complaints that were submitted to their Equal Opportunity and Access Office, pooled across two academic years: 2023-24 and 2024-25.[781] Students alone or with another party (e.g., faculty, parent) were complainants in 21 of the complaints (84%). Students were respondents in nine of the complaints (36%) and student organizations were respondents in four additional complaints (16%). The respondent was unknown in nine complaints (36%). The 25 incidents included in the spreadsheet do not contain dates, but they do have details of the incidents. Table 3.15, below, shows Vanderbilt's complaint data by category.

Table 3.15: Vanderbilt Antisemitism Complaints by Type, 2023-24 and 2024-25, N=25

Category	Percentage
Harassment	24.0
Discrimination	4.0
Visual Objects	32.0
Online Antisemitism	24.0
Protest Hostile Environment	4.0
Classroom/University Hostile Environment	12.0

There was one complaint in this period at Vanderbilt directly related to protests, which was about two student groups making antisemitic comments and blocking a campus entrance. Most of the eight complaints about visual objects, however, were also tangentially related to protests. These include phrases that can be read as antisemitic, such as "Free Palestine" on a chalkboard and "From the River to the Sea" on a poster. A banner that originally read "Divest in Genocide" was also modified to read "Divest in Jews." There were two instances of drawn swastikas, one on a bench and one in a dormitory bathroom.

Approximately one quarter of the complaints (24%) related to harassment. Two students alleged that their roommate or housemate was engaging in antisemitic harassment without additional details. In another incident, students' mezuzahs were taken down from their dorm rooms' doorposts and moved to another doorpost. One incident of harassment led to a student being placed on probation and having to complete a training. In that incident, the respondent spat on a banner displayed by a Jewish campus organization and then yelled at the complainant.

It is important to reiterate that a complaint of antisemitism does not mean that antisemitism occurred. In fact, the only complaint where Vanderbilt found that someone had violated university policy is the above example of the student spitting on the banner. In a few instances, the University

[781] Vanderbilt Interrogatories, supplemental response submitted Feb. 27, 2026 [on file].

facilitated a conversation between the complainant and respondent. In a few others, the University concluded that the conduct did not violate their policies, such as a complaint from a prospective parent that admission staff wore a keffiyeh and a mask during a campus welcome event, which the parent believed were antisemitic symbols. For most complaints, however, the respondent could not be identified, or the complainant did not respond to outreach from the Equal Opportunity and Access Office to continue with the process. Vanderbilt removed clearly antisemitic visuals, such as the drawn swastikas.

OCR Investigation(s)

Vanderbilt appears to have been the subject of two OCR investigations into Title VI shared ancestry discrimination complaints between AY 2021-22 and AY 2024-25. Vanderbilt only included OCR investigations from AY 2023-24 and AY 2024-25 in its responses to the Commission's interrogatories, and the OCR website does not list any additional open or resolved cases against Vanderbilt since 2021.[782]

The first investigation, opened on October 24, 2024, claimed that the University had not responded appropriately to alleged harassment based on shared Muslim ancestry.[783] The complaint alleged seven instances of anti-Arab and anti-Muslim discrimination at Vanderbilt, including students perceived as Arab or Muslim being called terrorists by other students, a student wearing a hijab being called a "Muslim [expletive]," a student's hijab being spat upon, and students of Muslim ancestry feeling unsafe on campus.[784] Vanderbilt responded to the complaint on November 29, 2024,[785] but had not received a reply from OCR by the time it answered the Commission's interrogatories in October 2025.[786]

The second investigation, opened on March 18, 2025, was in response to a 2024 complaint[787] submitted by Campus Reform, the aforementioned conservative watchdog group.[788] The complaint alleged that Vanderbilt had allowed a hostile environment for Jewish students when, on October 8, 2023, a "professor…posted a picture to social media that justified Hamas's Oct. 7 attack on Israel."[789] Vanderbilt wrote to OCR that the person the complaint alleged to have posted the picture "was not currently and has never been a Vanderbilt employee," and asked OCR to dismiss the

[782] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations"; U.S. Dep't of Education, "Office for Civil Rights Recent Resolution Search."
[783] Vanderbilt Interrogatories, p. 4.
[784] Ibid., pp. 000665-000666.
[785] Ibid.
[786] Ibid., p. 4.
[787] Adam Sabes, "Department of Education Opens Title VI investigation into Vanderbilt University: Exclusive," Campus Reform, Mar. 18, 2025, https://www.campusreform.org/article/department-education-opens-title-vi-investigation-vanderbilt-university-exclusive/27681 (accessed Feb. 26, 2026).
[788] Campus Reform, "Mission," https://www.campusreform.org/about (accessed Feb. 26, 2026).
[789] Sabes, "Department of Education Opens Title VI investigation into Vanderbilt University."

complaint.[790] Vanderbilt told the Commission that "OCR did not request additional information" after this correspondence.[791]

Washington University in St. Louis

Antisemitic Bias Complaint Data

Washington University in St. Louis (WashU) initially sent the Commission an eight-page narrative letter that contained links to its website but no attachments. While it included a thorough narrative about some topics, WashU did not respond by interrogatory question or include information about individual complaints.

The Commission emailed two more times to specifically request the complaint data that was not included in their initial response. In February 2026, WashU sent its complaint data aggregated by year and broad category: classroom and campus conduct, graffiti/imagery, online/social media comments, protests, and other. The University did not include details about the reported incidents. Table 3.16, below, shows its aggregated data. In four years, WashU had 45 complaints related to antisemitism. Most of these complaints (84.4%) were informal. Students were the majority of complainants (84.4%); they were also the largest share of respondents (42.2%). The two largest complaint categories were classroom and campus conduct (40.0%) and online/social media comments (37.8%).

[790] Vanderbilt Interrogatories, p. 4.
[791] Ibid.

Table 3.16: WashU Antisemitism Complaints by Year

	2021-22	2022-23	2023-24	2024-25	Overall
Total Complaints	**5**	**1**	**27**	**12**	**45**
% Informal	100.0	0.0	85.2	83.3	**84.4**
% Formal	0.0	100.0	14.8	16.7	**15.6**
Complaint Types					
Campus Conduct	60.0	100.0	37.0	33.3	**40.0**
Graffiti/Imagery	20.0	0.0	3.7	16.7	**8.9**
Online/Social Media	20.0	0.0	37.0	50.0	**37.8**
Protests	0.0	0.0	7.4	0.0	**4.4**
Other	0.0	0.0	14.8	0.0	**8.9**
Complainant (%)					
Student	100.0	100.0	92.6	58.3	**84.4**
Faculty	0.0	0.0	7.4	0.0	**4.4**
Staff	0.0	0.0	0.0	8.3	**2.2**
Multiple	0.0	0.0	0.0	8.3	**2.2**
Other	0.0	0.0	0.0	16.7	**4.4**
Unknown	0.0	0.0	0.0	8.3	**2.2**
Respondent (%)					
Student	40.0	100.0	44.4	33.3	**42.2**
Faculty	20.0	0.0	29.6	25.0	**26.7**
Other	40.0	0.0	14.8	41.7	**24.4**
Unknown	0.0	0.0	11.1	0.0	**6.7**

Though WashU did not share incident details, it included some details about the institutional response. Most of the responses included having follow-up conversations and providing resources when it was possible. Like other universities, however, it was often infeasible to have a next stage of the process because the report was anonymous or the complainant did not continue engaging with the University. WashU conducted investigations for seven formal complaints over the four academic years. Following these investigations, one of which was noted to be "extensive," four of the formal complaints were found to be unsubstantiated. In the remaining three, WashU found that the respondent had committed student conduct code violations, so the University imposed discipline but did not state the nature of that discipline.

OCR Investigation(s)

WashU does not appear to have been the subject of any Title VI OCR investigations from AY 2021-22 through AY 2024-25. WashU told the Commission that, "To its knowledge, the University has not been the subject of a federal complaint, investigation, or lawsuit alleging antisemitism or anti-

Jewish bias or discrimination filed against the University from January 1, 2020 to the present."[792] In addition, there are no open investigations or complaints associated with WashU listed on ED's open investigation or complaint websites.[793] There are also no resolutions involving the University since 2021 listed on ED's resolution website.[794]

Summary of Sample Universities

OCR investigated eight of the nine sample universities from AY 2021-22 through AY 2024-25. Four sample universities are also on a list of 60 universities that were issued warning letters by ED in March 2025 for allegations of antisemitism.[795] Because OCR did not respond to the Commission's interrogatories and some universities did not answer interrogatory questions about OCR investigations, it is difficult to determine patterns in complaints or investigations for the sample universities. Moreover, cases have not been updated on OCR's website.[796] From the information that universities shared, it seems that most OCR investigations relating to antisemitism at sample universities were about the school's failure to respond to alleged hostile campus environments created by protest activities or offensive classroom language. In resolved cases, OCR outlined steps to help universities strengthen their antidiscrimination policies and enforcement. At least two sample universities – Cornell and UCLA – were also financially sanctioned as part of this process. When working correctly, OCR investigations and resolutions should help make campuses safer for Jewish students (see Chapter 4).

Like OCR investigations, bias complaint data can also shed light on college campus antisemitism and institutional responses. We asked sample universities to share all their antisemitism complaints, not just those determined to be Title VI violations, as these show reporting trends. Not all sample universities shared their bias complaint data with us, even after multiple requests. Still, the data we received is illuminating for understanding more nuance in the landscape of antisemitism on college campuses.

Students were the most frequent complainants. A meaningful share of respondents were anonymous, which limits how universities can respond. There was an increase in complaints in AY 2023-24 compared to prior years. These complaints were not only temporally linked to protests, but many complaints were made by Jewish community members – mostly students – who felt unsafe or unwelcome on campus because of protests. The complaint data also shows that the

[792] WashU Interrogatories, p. 4.
[793] U.S. Dep't of Education, "List of Open Title VI Shared Ancestry Investigations"; U.S. Dep't of Education, "Records Related to Title VI Shared Ancestry or Ethnic Characteristics Investigations."
[794] U.S. Dep't of Education, "Office for Civil Rights Recent Resolution Search."
[795] U.S. Dep't of Education, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities."
[796] U.S. Dep't of Education, Office for Civil Rights, "Discrimination Based on Shared Ancestry or Ethnic Characteristics," https://www.ed.gov/laws-and-policy/civil-rights-laws/title-vi/title-vi-key-issues/discrimination-based-shared-ancestry-or-ethnic-characteristics.

feeling of being in a hostile environment spread beyond protests into classrooms and student housing.

The complaint data shared by sample universities demonstrates that students and employees frequently encountered antisemitic visual objects on campus. Some of these visual objects were overtly antisemitic, such as swastikas. Others were protected political speech that can nevertheless be offensive, such as flyers reading "From the River to the Sea." Online antisemitic content was also an important source of bias complaints in this period, which is consistent with survey data.[797] Many of the online posts that were the subject of complaints were made anonymously, which allows posters to be particularly hateful.[798] Moreover, universities could not hold anonymous respondents accountable for their actions.

It was rare for sample universities to conclude that complaints were Title VI violations. Some of these decisions were made because the behavior was not deemed to be severe, persistent, or clearly linked to protected status. Most of the decisions, however, resulted from not having enough information because the complaint was vague, the respondent was anonymous, and/or the complainant chose not to pursue the process after initiating it. Even though reporting universities rarely found a Title VI violation, they all offered supportive services to complainants and respondents. This could be beneficial as even subtle instances of antisemitism can have cumulative negative effects.[799]

One finding from this analysis is that complaint data can overcount antisemitism. All sample universities have many reporting pathways that allow anyone to make a bias complaint. On the one hand, this is beneficial because it makes the process logistically simple. On the other hand, this means that some complaints were unrelated to antisemitism on campus, such as antisemitic graffiti at a nearby city bus stop that is unaffiliated with the university. This overcount can also include incident complaints that are not overtly antisemitic, such as seeing a "Yes to Divest" flyer on a bulletin board. That most complaints of antisemitic incidents were not found to be Title VI violations by universities does not mean that these incidents were not painful for the complainant, only that a sizeable share of reported incidents were not overtly antisemitic. This is important to note as reports of dramatic increases in antisemitism do not always distinguish between incident types.[800]

By definition complaint data cannot capture an undercount of incidents. Still, it is evident that complaint data do not contain all antisemitic incidents as only those that are officially reported to universities are included. Not everyone is inclined to make reports, and some potential

[797] *See, e.g.*, American Jewish Committee, *The State of Antisemitism in America 2024*.
[798] Anti-Defamation League, "Backgrounder: How Can Online Anonymity Affect Hate?"
[799] Silverstein and Block, "Making the Invisible Visible."
[800] *See, e.g.,* Anti-Defamation League, "The Alarming Surge of Antisemitism on College Campuses," Sept. 17, 2024, https://notoleranceforantisemitism.adl.org/resources/article/alarming-surge-antisemitism-college-campuses.

complainants might not report for fear that what they experienced is too minor or will not be taken seriously.[801] While it is true that complaints about antisemitism on campus do not directly overlap with antisemitic incidents, these data provide more information about antisemitism on campuses than is typically publicly available.

It is important to note that complaint data for this sample of universities do not reflect reports of spikes in physically violent antisemitic incidents after October 7, 2023.[802] In our investigation, one sample university shared a complaint about one violent incident. This fact does not undermine the horrific antisemitic incidents that many have experienced.[803] Rather, the small share of physical violence in this sample points to the need to flesh out the lived experience of antisemitism so that solutions can be tailored to different types of incidents. While student safety and privacy are paramount, antisemitism on college campuses can only be addressed when the nature and scope of the problem are understood. University transparency about their bias complaints would help achieve that aim.

[801] *See, e.g.,* Silverstein and Block, "Making the Invisible Visible."
[802] *See, e.g.*, Anti-Defamation League, *Audit of Antisemitic Incidents 2023*, Apr. 16, 2024, https://www.adl.org/resources/report/audit-antisemitic-incidents-2023.
[803] *See, e.g.*, David E. Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, 6 J. Free Speech Law 1007 (2026).

[*This page is intentionally left blank*]

CHAPTER 4: The Federal Government's Response to Campus Antisemitism

To conduct a full examination of the federal response to campus antisemitism, the Commission sent document requests and interrogatories to the Departments of Education (ED), Justice (DOJ), and Health and Human Services (HHS) regarding their respective responses to the reported increase in antisemitic incidents on America's college and university campuses since October 7, 2023. To assist the Commission in fulfilling its statutory duties, federal agencies are legally required to cooperate fully with these discovery requests. Specifically, 42 U.S.C. § 1975b(e) provides, "All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties."[804] The Commission initially sent these discovery requests in September 2025 and staff followed up with each Department several times because of a lack of response. As of the writing of this report, none of the agencies have submitted responses to the Commission's document requests and interrogatories. ED and DOJ sent representatives to testify at the Commission's February 2026 briefing; their testimony did not substantively address the outstanding interrogatories. The information discussed herein is the result of the Commission's review of publicly available data alongside testimony from current and former agency representatives.

Department of Education

ED's Office for Civil Rights (OCR) has been the primary federal agency responsible for enforcing federal civil rights laws in primary, secondary, and postsecondary schools,[805] although a series of changes from January 2025 to June 2026 have shifted much of that responsibility to DOJ (as discussed in the following section).[806] These laws prohibit discrimination on the basis of race, color, national origin, shared ancestry, sex, disability, and age. Since Title VI does not protect students from discrimination solely on the basis of religion, OCR refers such cases to DOJ.[807] At the same time, antisemitic discrimination and complaints about antisemitic incidents in educational settings can fall under the purview of Title VI, and accordingly the jurisdiction of ED OCR, when they involve allegations of hostility on the basis of Jewish ancestry.[808]

OCR primarily enforces Title VI at the administrative complaint level which is predicated on the jurisdiction of the relevant funding agency. ED provides the majority of federal funding to schools,

---

[804] *See also,* 42 U.S.C. § 1975a(e)(2) (noting that the Commission may issue subpoenas).
[805] Trainor statement, p. 1; *see* U.S. Dep't of Education, "Federal Role in Education," June 17, 2025, https://www.ed.gov/about/ed-overview/federal-role-in-education.
[806] *See* Jessica Blake, "ED Shifts Some Civil Rights Enforcement to Justice Department," *Inside Higher Ed*, June 16, 2026, https://www.insidehighered.com/news/government/2026/06/16/ed-shifts-some-civil-rights-enforcement-justice-department.
[807] *See* U.S. Dep't of Justice, Civil Rights Division, "Types of Educational Opportunities Discrimination," https://www.justice.gov/crt/types-educational-opportunities-discrimination (accessed Apr. 21, 2026).
[808] For fuller discussion of the protected characteristics under Title VI, *see supra* notes 304-327.

including colleges and universities.[809] OCR regulations do not require complainants to file with OCR prior to filing in federal court for a Title VI complaint.[810] OCR has a detailed Case Processing Manual (CPM) that it uses to process complaints.[811] The process begins with evaluating the written information OCR receives to determine whether it constitutes a complaint that is subject to further processing. OCR resolves complaints by proceeding in three possible directions: (1) dismissal: OCR concludes, either before or in the course of an investigation, that the complaint does not satisfy the agency's criteria for investigation; (2) mediation: OCR facilitates a voluntary resolution of the complaint between the complainant and the institution; (3) investigation: OCR gathers and evaluates evidence to determine whether sufficient evidence supports a finding of noncompliance.[812]

Upon receiving a complaint, OCR makes a fact-specific investigation to determine if discrimination occurred by looking for direct evidence, or, absent that, circumstantial evidence of discrimination to assess whether the student was treated differently or subjected to discriminatory harassment based on a protected characteristic.[813] Generally, if OCR determines that it has jurisdiction over a complaint, Title VI investigations involve multiple steps such as notifying the funding recipient of a potential failure to comply with the statute, data or information requests, site visits, and a notice of findings.[814] However, opening a complaint for investigation does not imply OCR has made a determination with regard to the merits of the complaint. At the Commission's briefing, former Director of OCR's Philadelphia Regional Office, Beth Gellman-Beer, explained that OCR investigations were systematic investigations requiring "extensive document review, multiple interviews, [and] careful assessment of institutional responses to antisemitism over time . . .. [These investigations] expose patterns, policy failures, breakdowns in reporting, and accountability that affect entire campus communities."[815]

---

[809] Abigail Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX: Executive Agency Options and Procedures*, Congressional Research Service, May 27, 2025, https://www.congress.gov/crs-product/LSB11316?q=%7B%22search%22%3A%22LSB11316%22%7D&s=1&r=1; *see also,* U.S. Dep't of Education, Office for Civil Rights, "Education and Title VI of the Civil Rights Act of 1964," https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/education-and-title-vi (accessed March 13, 2026).
[810] *See* U.S. Dep't of Education, "Questions and Answers on OCR's Complaint Process," Aug. 26, 2025, https://www.ed.gov/laws-and-policy/civil-rights-laws/file-complaint/questions-and-answers-ocrs-complaint-process (accessed Mar. 13, 2026).
[811] *See* U.S. Dep't of Education, Office for Civil Rights, *Case Processing Manual*, Feb. 19, 2025, https://www.ed.gov/media/document/ocr-case-processing-manual-us-department-of-education-office-civil-rights-33891.pdf (accessed April 21, 2026).
[812] *See* U.S. Dep't of Education, *Case Processing Manual*, pp. 8-15.
[813] *See, e.g.*, U.S. Dep't of Education, Office for Civil Rights, "Dear Colleague Letter: Protecting Students from Discrimination, such as Harassment, Based on Race, Color, or National Origin, Including Shared Ancestry or Ethnic Characteristics," May 7, 2024, pp. 14-15, https://www.ed.gov/media/document/dear-colleague-letter-protecting-students-discrimination-such-harassment-based-race-color-or-national-origin-including-shared-ancestry-or-ethnic [hereinafter 2024 OCR Dear Colleague Letter]; *see also,* U.S. Dep't of Education, *Case Processing Manual*, pp. 4-21.
[814] U.S. Dep't of Education, *Case Processing Manual*, pp. 4–12, 15.
[815] Gellman-Beer testimony, *Antisemitism Briefing*, p. 129.

Historically, during the investigation, OCR seeks to operate as a neutral factfinder. OCR will collect and analyze relevant evidence from the complainant, the recipient, and other sources, as appropriate. The CPM requires that OCR ensure that the actions it takes in investigations are legally sufficient, supported by evidence, and dispositive of the allegations raised in the complaint. If discrimination is found, Title VI requires that agencies first seek voluntary compliance.[816] If voluntary compliance cannot be achieved, agencies may initiate enforcement actions, such as funding termination, or refer the case to DOJ for litigation or further enforcement.[817]

Traditionally, most Title VI cases taken up by OCR have been resolved through voluntary resolution agreements. Linda Mangel, a former Enforcement Director at OCR, testified to the Commission that during her 15 years at OCR the office secured voluntary resolution agreements in over 90% of cases where cases of discrimination were found.[818] Legal scholars have recently shown how OCR resolution agreements have become a powerful tool of Title VI enforcement, as they enable OCR to apply its interpretation of Title VI obligations across the nation through voluntary agreements rather than enforcement proceedings.[819]

These agreements can require institutions to take up actions such as:

- Overhauling institutional policies and procedures
- Implementing mandatory Title VI training for students, staff, faculty, and administrators
- Establishing robust record keeping systems
- Conducting climate surveys
- Auditing prior incidents that can become subject to ongoing OCR monitoring.[820]

Two central options in OCR's approach to achieving voluntary compliance are mediation and resolution agreements. The former occur when "OCR determines that mediation is appropriate and the complainant and the recipient are willing to proceed with this resolution option"; the latter occur when "the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them because OCR's investigation has identified issues that can be addressed through a resolution agreement."[821] For example, Gellman-Beer testified to the Commission that "[w]hen violations or serious concerns were identified, [OCR] would negotiate a resolution agreement that required concrete reforms, policy revisions, training, development of reporting mechanisms, climate assessments, corrective actions, and more."[822] Beyond mediation

[816] 42 U.S.C. §2000d-1.
[817] U.S. Dep't of Education, *Case Processing Manual*, p. 23.
[818] Mangel statement, *Antisemitism Briefing*, p. 2.
[819] *See* Jacob E. Gersen & Jeannie Suk Gersen, *The Six Bureaucracy*, *Harvard Public Law Working Paper* No. 25-20 (Mar. 30, 2025).
[820] Gellman-Beer statement, *Antisemitism Briefing*, p. 2.
[821] U.S. Dep't of Education, *Case Processing Manual*.
[822] Beth Gellman-Beer testimony, *Antisemitism Briefing*, p. 130.

and voluntary resolution agreements, other possible outcomes include suspension, termination, refusal to grant or continue Federal financial assistance to the recipient, or referral of the case to DOJ for legal proceedings.

The Commission heard testimony stating that forms of voluntary compliance like mediation and resolution agreements enable OCR officials to establish targeted procedures to ensure compliance.[823] By contrast, funding terminations not only defund programs and activities found in violation of Title VI but also eliminate funding for a wide range of beneficiaries that had no part in the violation.[824] Resolution agreements are often more easily able to directly address offending programs and activities.

Ongoing monitoring for compliance is also a longstanding feature of OCR's Title VI obligations.[825] Historically, this was accomplished through the work of OCR's regional offices, which developed professional relationships with educational institutions, aiding the process of achieving compliance.[826] Gellman-Beer expanded on the value of longstanding relationships with schools:

> The thoroughness of this work serves two critical purposes. First, it would allow us to craft resolution agreements that were precisely tailored to address the identified failures with the intent to produce meaningful, lasting change. Second, it ensured that our finding withstood legal scrutiny and maintained credibility with institutions, the public, and the courts. But the work didn't end with a signed agreement. OCR monitors compliance with that agreement, often for years. Schools submit regular reports, OCR reviews the documentation, evaluate[s] implementation, and determines whether each term in that agreement has been satisfied. The process is labor intensive, but it's where the real change happens.[827]

Similarly, other panelists at the Commission's briefing stressed that mediation and/or resolution agreements were only as effective as the capacity of OCR to follow up and monitor either option.[828] In contrast, Craig Trainor, former Acting Assistant Secretary for OCR, stated at the Commission's briefing that Biden-era resolution agreements were a "proverbial slap on the wrist" because they only "required training on Title VI compliance and statements on nondiscrimination policies."[829] Trainor testified that during his tenure at OCR he wrote a prioritization memorandum to OCR enforcement staff concerning, in part, the revision of OCR's CPM, which was updated to include

---

[823] Gellman-Beer statement, *Antisemitism Briefing*, p. 2.
[824] Ibid.
[825] U.S. Dep't of Education, *Case Processing Manual*, p. 22.
[826] Mangel statement, *Antisemitism Briefing*, p. 2.
[827] Gellman-Beer testimony, *Antisemitism Briefing*, p. 130.
[828] Gellman-Beer statement, *Antisemitism Briefing,* p. 2; Mangel statement, *Antisemitism Briefing,* p. 2; Nosanchuk statement, *Antisemitism Briefing,* pp. 3-4.
[829] Craig Trainor testimony, *Antisemitism Briefing*, p. 109.

stronger language about the content of resolution agreements.[830] The revised language in the CPM stated that resolution agreements must "remedy both the individual discrimination at issue and any similar instances where future violative conduct may recur."[831] Trainor also proposed implementing resolution agreements with measures such as "terminating faculty and administrators, suspending or expelling students, and monitoring academic departments that were complicit in harassing and violence against Jewish students."[832]

If OCR determines that voluntary compliance is not possible, it can proceed with enforcement options (detailed above) including a four-step process to terminate funding to the programs or activities found in violation; it can also refer the case to DOJ for legal proceedings.[833] With the closure of most OCR regional offices and the establishment of the multi-agency Task Force to Combat Anti-Semitism (discussed below), the federal government's approach to secure compliance from institutions that have violated Title VI has primarily shifted to disciplinary procedures rather than types of voluntary compliance.[834] This approach also appears to reflect a modification in the federal government's approach to Title VI enforcement away from continuous monitoring toward more episodic disciplinary measures.

OCR Guidance on Title VI

OCR's guidance documents lay out the agency's interpretation of Title VI and its own obligations in determining if the statute has been violated. Although agency guidance is not legally binding, courts have held that such guidance "provides persuasive authority" in determining the appropriate procedures the agency should follow.[835] OCR currently holds that discriminatory harassment under Title VI occurs when a distinct set of conditions are determined to have been met, including: a hostile environment resulting from discrimination based on race, color, or national origin; it can be shown that a university has actual or constructive notice of such hostile environment; the

---

[830] Trainor statement, *Antisemitism Briefing,* p. 3. This memo does not appear to have been made public; the Commission requested all such documents from OCR in September 2025 but did not received a response.
[831] Ibid.; *see also*, U.S. Dep't of Education, *Case Processing Manual*.
[832] Ibid.
[833] U.S. Dep't of Education, *Case Processing Manual*, p. 23; for a complete legal overview of Title VI enforcement mechanisms, *see* Chapter 2.
[834] *See* Jacob E. Gersen & Jeannie Suk Gersen, *Academic Freedom and Discipline: The Case of the Arguably Peaceful Protestors*, 76 Stan. L. Rev. 1537 (2024).
[835] *Jacinto v. INS*, 208 F.3d 725, 733 n.5 (9th Cir. 2000) ("Although not binding, the UNHCR Handbook provides persuasive authority for courts determining what procedures are appropriate for conducting asylum hearings."); *see also, Kennedy v. World All. Fin. Corp*., 792 F. Supp. 2d 1103, 1109 (E.D. Cal. 2011) (holding that "while HUD's handbooks do not have the force of law in the instant case, they are entitled to persuasive authority as general statements of agency practice and procedure"); *Turner v. Vilsack,* No. 3:13-CV-1900-SI, 2013 WL 6074114, at *2 (D. Or. Nov. 18, 2013); *Loper Bright Enters. v. Raimondo,* 603 U.S. 369, 374 (2024) ("[A]lthough an agency's interpretation of a statute 'cannot bind a court,' it may be especially informative 'to the extent it rests on factual premises within [the agency's] expertise.'"); *see also,* Chapter 2. For a general overview of agency Title VI guidance, *see* Gersen & Gersen, *The Six Bureaucracy*, at 20–24.

university fails to take prompt and effective action to end the harassment, eliminate the hostile environment and its effects, and prevent the harassment from recurring.[836]

OCR's guidance also provides interpretations of schools' legal obligations under Title VI, additional details on how OCR determines if discrimination under Title VI has occurred, and resources for individuals submitting complaints.[837] Determinations about antisemitic discrimination at educational institutions, including college and university campuses, involve complex legal and practical evaluations.[838] Because of this, the evolution of OCR guidance on procedures for evaluating potential Title VI violations has shaped both how institutions of higher learning approach their Title VI obligations and how the federal government addresses concerning trends like the recent rise in campus antisemitism.[839]

In March 1994, OCR released a key guidance document detailing its procedures for conducting investigations into possible violations of Title VI based on alleged racial incidents and allegations of harassment based on race, color, and national origin against students in educational settings.[840] The 1994 guidance also elaborated a legal framework for determining the presence of a "hostile environment" under Title VI.[841] Drawing on *Meritor Savings Bank v. Vinson*[842] and *Harris v. Forklift Systems, Inc*.,[843] two Supreme Court cases that set the standard for sexual harassment and what constitutes a hostile work environment under Title VII, the guidance applied these standards to Title VI,[844] stating that "[a] violation of Title VI may be found if racial harassment is severe, pervasive, or persistent so as to constitute a hostile or abusive educational environment."[845]

From 2021-2025, OCR released 64 policy resources that addressed and highlighted institutions' obligations to protect students under Title II and Section 504 of the Americans with Disabilities

---

[836] U.S. Dep't of Education, Office for Civil Rights, Letter to Sharon Ofek, Superintendent, Carmel Unified School District, "Carmel Unified School District – OCR Case Number 09-22-1158," July 26, 2024, (noting the legal standard, analysis and conclusion of an investigation of complaint against Carmel Unified School District), https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/09221158-a.pdf.
[837] U.S. Dep't of Education, "Education and Title VI."
[838] Eidelson statement, *Antisemitism Briefing,* pp. 3-13; Volokh statement, *Antisemitism Briefing,* pp. 1-2,4-5; Goldfeder statement, *Antisemitism Briefing,* p. 2; *see also,* Mark Goldfeder, *Defining Antisemitism*, 52 Seton Hall L. Rev. 119 (2021).
[839] *See* Gersen & Gersen, *Academic Freedom and Discipline*.
[840] U.S. Dep't of Education, Office for Civil Rights, "Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance," Mar. 10, 1994, https://www.ed.gov/laws-and-policy/civil-rights-laws/harassment-bullying-and-retaliation/racial-incidents-and-harassment-against-students (accessed June 30, 2026) [hereinafter 1994 OCR Racial Incidents and Harassment Guidance].
[841] Benjamin Eidelson & Deborah Hellman, *Antisemitism, Anti-Zionism, and Title VI: A Guide for the Perplexed*, 139 Harv. L. Rev. F. 1, p. 6, FN 37 (Nov., 2025).
[842] *Meritor Savings Bank v. Vinson*, 477 U.S. 57 (1986).
[843] *Harris v. Forklift Systems, Inc.*, 114 S.Ct. 367 (1993).
[844] Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI,* at 6.
[845] *See* U.S. Dep't of Education, Racial Incidents and Harassment Guidance; *see also,* Eidelson & Hellman, *Antisemitism, Anti-Zionism, and Title VI,* at 6 (citing *Davis v. Monroe Cnty. Bd. of Educ*., 526 U.S. 629, 643–45 (1999).

Act (ADA), Title VI, and Title IX regulations. OCR also released seven guidance documents specifically addressing shared ancestry or national origin discrimination, reminding schools and universities of their federal civil rights obligations and how to respond to harassment.[846]

Key updates were made in January 2023, when OCR released a fact sheet entitled *Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics*, which reiterated that discrimination based only on religion does not fall under the purview of Title VI. However, Title VI does protect all students (regardless of religion) from harassment on the basis of shared ancestry or ethnic characteristics.[847] In response to unrest on campuses following October 7, 2023, OCR issued additional guidance on November 7, 2023 to address antisemitic incidents and threats to Jewish, Israeli, Muslim, Arab, and Palestinian students on college and university campuses and in K-12 schools. In it, OCR reiterated its interpretation of a hostile environment under Title VI to

> remind colleges, universities, and schools that receive federal financial assistance of their legal responsibility under Title VI of the Civil Rights Act of 1964 and its implementing regulations (Title VI) to provide all students a school environment free from discrimination based on race, color, or national origin, including shared ancestry or ethnic characteristics.[848]

Additionally, in November 2023, ED officials met with school officials and opened investigations into seven higher education institutions over allegations of antisemitism and Islamophobia.[849] On May 7, 2024, OCR issued a Dear Colleague Letter (DCL)[850] and a subsequent fact sheet in July 2024.[851]

The November 2023 guidance and the May 7 DCL affirm OCR's view that, under Title VI, harassment creates a hostile environment when the unwelcome conduct is based on race, color, or national origin in consideration of the totality of circumstances, as well as when the "conduct is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a

---

[846] *See* U.S. Dep't of Education, "Education and Title VI."
[847] U.S. Dep't of Education, Office for Civil Rights, "Fact Sheet: Protecting Students from Discrimination Based on Shared Ancestry or Ethnic Characteristics," Jan. 2023, https://www.ed.gov/media/document/ocr-factsheet-shared-ancestry-2023-33851.pdf.
[848] U.S. Dep't of Education, Office for Civil Rights, "Dear Colleague Letter: Discrimination, Including Harassment, Based on Shared Ancestry or Ethnic Characteristics," Nov. 7, 2023, p. 1, https://www.ed.gov/sites/ed/files/about/offices/list/ocr/letters/colleague-202311-discrimination-harassment-shared-ancestry.pdf.
[849] Associated Press, "Columbia, Cornell and Other Colleges Face U.S. Inquiries Over Alleged Antisemitism and Islamophobia," *WABE*, Nov. 24, 2023, https://www.wabe.org/columbia-cornell-and-other-colleges-face-us-inquiries-over-alleged-antisemitism-and-islamophobia/.
[850] 2024 OCR Dear Colleague Letter.
[851] U.S. Dep't of Education, "Fact Sheet: Harassment Based on Race, Color, or National Origin on School Campuses," July 2, 2024, https://www.ed.gov/media/document/fact-sheet-harrassment-based-race-color-or-national-origin-school-campuses-2023-rescinded-112247.pdf.

person's ability to participate in or benefit from a school's education program or activity."[852] Further, the DCL states that the harassment need not be directed at a particular individual for groups of students to be affected,[853] and "[s]chools must take immediate and effective action to respond to harassment that creates a hostile environment."[854] The DCL clarified that OCR applies a reasonable person standard and "evaluates the conduct from the perspective of the student who is allegedly being harassed and from the perspective of a reasonable person in that student's position, considering all the circumstances."[855] According to the DCL, harassing conduct can include speech or expression, but, as noted above, it must be so severe or pervasive that it interferes with or "denies a student's ability to participate in or benefit from the school's program or activity."[856]

Additional efforts under the Biden administration include OCR creating a dedicated Title VI website documenting new investigations, which was updated weekly; creating technical assistance presentations for stakeholders; meeting with Jewish community leaders; and participating in the Biden administration's interagency policy committee, the "National Strategy to Counter Antisemitism."[857] As of July 2026, ED has not issued new guidance on addressing antisemitic discrimination in educational settings during the second Trump administration. However, the Trump administration has shifted the bulk of Title VI enforcement to the multiagency Task Force to Combat Anti-Semitism, operating centrally out of DOJ (and discussed further below).

Free Speech and Unlawful Discrimination in Higher Education

After October 7th, school administrators and faculty faced a particularly challenging educational landscape requiring a balance of First Amendment rights and academic freedom with the responsibility to protect Jewish students from discrimination. Acknowledging the importance of this balance, OCR in its guidance has underscored that even in instances when free speech is at stake, schools continue to have an obligation to respond to speech that contributes to unlawful discrimination.[858] OCR has explained that even when schools are bound by First Amendment obligations they can still publicly communicate disapproval or rejection of offensive speech, encourage respectful debate, and cultivate "welcoming and respectful" campus cultures, among other approaches.[859] If "speech crosses over into direct threats or actionable speech or conduct

[852] 2024 OCR Dear Colleague Letter.
[853] 2024 OCR Dear Colleague Letter, p. 4.
[854] Ibid., p. 2.
[855] Ibid., p. 5.
[856] Ibid., p. 5.
[857] Nosanchuk statement, *Antisemitism Briefing*, p. 4.
[858] U.S. Dep't of Education, "Frequently Asked Questions: Race, Color, and National Origin Discrimination," https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/frequently-asked-questions-race-color-and-national-origin-discrimination.
[859] Ibid.

[under Title VI], OCR has emphasized, "schools should be alert to take more targeted responsive action."[860]

Some legal experts at the briefing underscored the federal government's obligation to safeguard protected speech against potential encroachment by the enforcement mechanisms available for addressing discrimination under Title VI. For example, Professor Genevieve Lakier criticized OCR under both the Biden and Trump administrations for failing to "t[ake] steps to ensure that threatened or actual enforcement actions did not lead to the suppression of protected expression" under the First Amendment.[861] Professor Eugene Volokh added in testimony before the Commission that "the federal government can't pressure universities, public or private, to suppress student speech on the grounds that it expresses [disfavored] views."[862] As discussed in Chapter 2, speech motivated by anti-Jewish animus can clearly be found to contribute to a hostile environment and thus would be unlawful under Title VI. However, recent enforcement actions during the Trump administration have raised questions about the kinds of speech that can be said to contribute to a hostile environment.[863] As is also discussed in Chapter 2, courts have held that anti-Zionist or anti-Israel speech, for example, should not be presumed to be rooted in anti-Jewish animus unless evidence exists to infer the contrary.[864]

Administrative Changes, 2021-2025

As discussed above, OCR regional offices have historically served as the primary operational units for ED's civil rights enforcement and are responsible for conducting complaint investigations, developing relationships with recipient institutions, and carrying out ongoing monitoring and compliance activities. This work requires substantial staffing capacity as well as personnel with specialized expertise and experience in civil rights law and enforcement.

At the Commission's briefing, current and former OCR representatives stated that addressing national origin/shared ancestry complaints is and has been a top priority for ED leadership, especially as complaints continued to rise. For example, between 2015 and 2025 discrimination complaints sent to OCR increased almost 120% from 10,392 to 22,687.[865] Staffing levels, however, only increased from approximately 540 investigators to about 600 investigators (approximately 11%).[866] Former Enforcement Director for OCR Linda Mangel explained in her written testimony

[860] Ibid.
[861] Lakier statement, *Antisemitism Briefing,* p. 1.
[862] Volokh statement, *Antisemitism Briefing,* p. 2.
[863] *See, e.g.,* U.S. Dep't of Health and Human Services and U.S. Dep't of Education, "Joint Notice of Violation to Columbia University," May 22, 2025, https://www.hhs.gov/civil-rights/for-providers/compliance-enforcement/examples/national-origin/ocr-joint-notice-of-violation-to-columbia/index.html.
[864] *See, e.g.*, Suzanne B. Goldberg & Olatunde C.A. Johnson, *Campus Crises and the Limits of Title VI*, 126 Colum. L. Rev. Forum 1 (2026); *see also* Chapter 2.
[865] U.S. Dep't of Education, Office for Civil Rights, *Protecting Civil Rights: Highlights of Activities*, Jan. 2025, https://www.ed.gov/media/document/protecting-civil-rights-109409.pdf.
[866] Ibid.

that OCR regional leadership determined that in order to conduct a thorough investigation and meet OCR's statutory obligation to provide effective responses to every complaint, each staff person "would optimally carry no more than 13 to 15 active complaints at one time."[867] However, "at the end of 2024, the average number of active cases carried by OCR staff was about 25, [and] in many offices some staff had more than 50 active cases."[868] Mangel stated:

> In 2024, OCR opened 142 shared ancestry complaints for investigation. By the middle of January 2025, OCR secured meaningful and durable resolution agreements in 19 antisemitism cases including agreements with Harvard, Brown, University of Michigan, the City University of New York, the University of California system, the University of Illinois, George Washington, Rutgers, Johns Hopkins, the University of Washington, and several K-12 school districts.
>
> These agreements required the colleges, universities, and school districts in question to make significant commitments to implement corrective measures designed to (1) remedy the harm found to have been suffered by impacted Jewish students, and (2) combat future antisemitism, including policy reforms, staff training, climate assessments, and, in some cases, enhanced safety measures for Jewish students. In addition to these 19 antisemitism agreements, many more antisemitism complaints were resolved through OCR's alternative resolution processes.[869]

Despite the increased caseload, in March 2025, ED fired more than 1,300 workers and OCR lost many of its employees and regional centers were either closed or reduced to minimal staff.[870] The Commission sent interrogatories to OCR requesting information on how the restructuring and downsizing of the civil rights office has impacted enforcement on college campuses and educational institutions generally; however, as of July 2026, the requests have not been answered. As a result, the Commission does not have data from OCR regarding the effects the restructuring had on OCR's ability to investigate civil rights complaints, including complaints of antisemitism in educational institutions.

At the Commission's briefing, however, former Deputy Assistant Secretary for OCR, Mathew Nosanchuk testified that the reduction in force severely impacts OCR's ability to fulfill its monitoring responsibilities. The lack of monitoring and oversight, he stated, removes protection from "the Jewish students promised federal oversight."[871] Similarly, Linda Mangel, former Enforcement Director for OCR, testified that the reductions create a "limited capacity to monitor

---

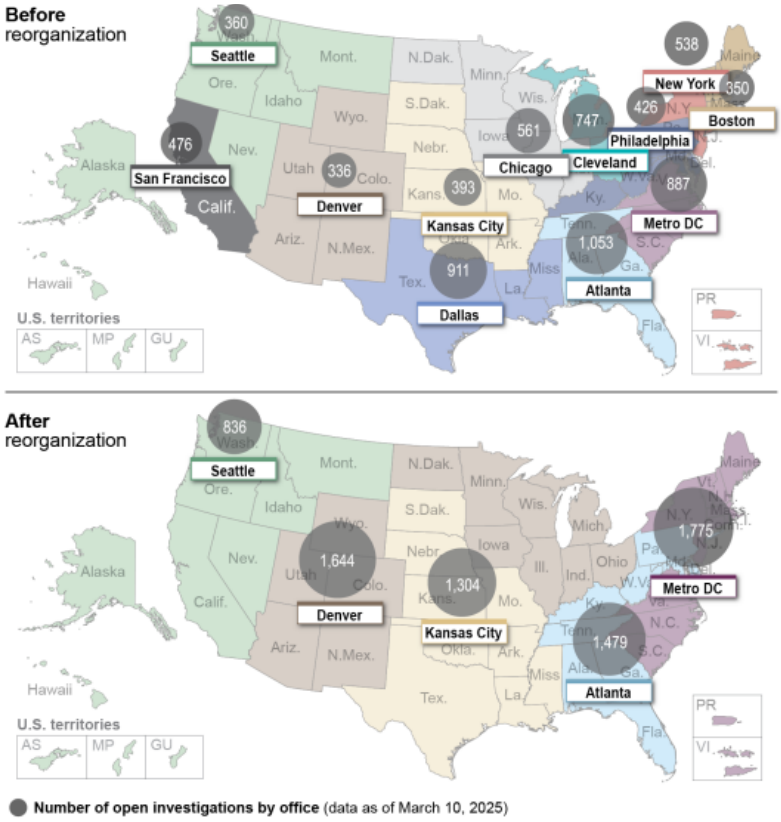
[867] Mangel statement, *Antisemitism Briefing,* p. 3.
[868] Ibid.
[869] Ibid.
[870] Alan Blinder and Dana Goldstein, "Trump Education Department Firings Leave Agency Reeling," *New York Times*, Mar. 11, 2025, https://www.nytimes.com/2025/03/11/us/politics/trump-education-department-firings.html.
[871] Nosanchuk testimony, *Antisemitism Briefing*, p. 117.

previously negotiated agreements. Monitoring is not optional, without required corrective actions [] the antisemitism identified by OCR may go unabated. OCR plays a unique and indispensable role in safeguarding students' civil rights…when students fall victim to hate and harassment, OCR historically has been the agency to answer their call for help."[872]

Prior to the cuts, according to the former OCR staffers, OCR was already understaffed and struggled to resolve complex civil rights investigations. According to news reports, OCR began 2025 with 4,133 employees and the office shrank to about half that size while already facing a backlog of cases under the Biden administration due to campus protests. In addition to the 1,315 workers who were fired, 572 employees took separation packages (known as the Deferred Retirement Plan or DRP) and 63 probationary workers were terminated in February 2025.[873] Additionally, Mangel testified that seven of the 12 regional offices were closed in March 2025 (see figure 4.1 below).[874] These offices accounted for 90% of the antisemitism complaint resolutions for ED in 2024.[875]

[872] Mangel testimony, *Antisemitism Briefing*, p. 124.
[873] Blinder and Goldstein, "Trump Education Department Firings Leave Agency Reeling."
[874] U.S. Gov't Accountability Office, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights*, GAO-26-108320, Jan. 29, 2026, https://www.gao.gov/assets/gao-26-108320.pdf.
[875] Mangel statement, *Antisemitism Briefing,* p. 3.

Figure 4.1. OCR's Regional Office Structure and Estimated Number of Open Investigations Before and After Planned Reorganization in March 2025



Source: GAO, "Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force and Restructuring of the Office for Civil Rights," Jan. 29, 2026, https://www.gao.gov/assets/gao-26-108320.pdf

Other media reports noted that staffing cuts to ED OCR professional staff led to a backlog of 25,000 pending complaints and seven open investigations.[876] Another news source stated that since the March 2025 Reduction-in-Force (RIF) notices, civil rights investigation caseloads for the remaining investigators doubled.[877]

In March 2025, President Trump issued an Executive Order stating that the "Secretary of Education, shall, to the maximum extent appropriate and permitted by law, take all necessary steps to facilitate the closure of the Department of Education …"[878] A Government Accountability

[876] *See* Cory Turner, "Education Department Recalls Fired Attorneys Amid Civil Rights Complaint Backlog," *NPR*, Dec. 10, 2025, https://www.npr.org/2025/12/10/nx-s1-5637464/education-department-layoffs-civil-rights.
[877] Naaz Modan, "Federal Judge Orders OCR to Reinstate Laid-Off Employees — for Now," *K-12 Dive*, June 24, 2025, https://www.k12dive.com/news/education-department-ocr-employees-RIF-reinstatement-preliminary-injunction/751558/.
[878] Improving Education Outcomes by Empowering Parents, States, and Communities, Exec. Order No. 14242, 90 Fed. Reg. 13679 (Mar. 20, 2025).

Office (GAO) report showed that three offices – the Office of Civil Rights (OCR), the Office of Federal Student Aid (FSA), and the Institute for Education Sciences (IES) –

> collectively represented about 70 percent of the approximately 1,250 staff subject to Education's March 2025 RIF actions… However, subsequent preliminary injunctions prohibited Education from doing so. According to Education, all RIF actions were paused as of November 21, 2025. Education rescinded the RIF actions for OCR staff in early January 2026.[879]

During this time, according to data from GAO, from March 11, 2025 to September 23, 2025, OCR received more than 9,000 discrimination complaints and resolved more than 7,000. GAO found that about 90% were resolved by ED dismissing the complaints.[880] Based on court filings, the report also showed that the RIFs cost the agency about $9.5 million.[881]

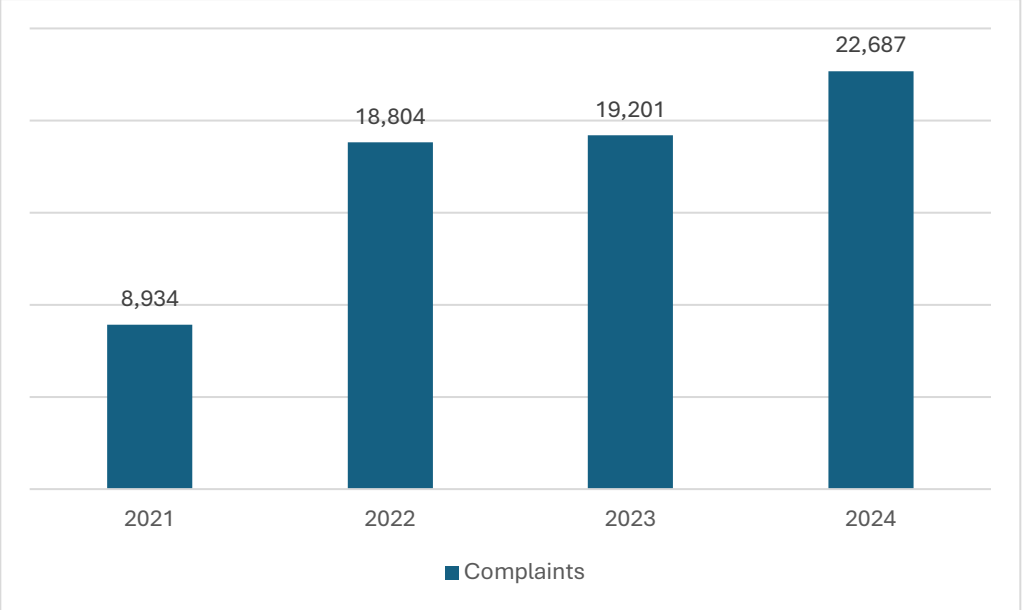
Initiatives and Enforcement Actions to Address Campus Antisemitism, 2021 – 2025

Complaints to OCR of antisemitic harassment, opened cases into such complaints, and resolved cases have all risen over the past half-decade. Figure 4.2 below shows all complaints received by OCR from fiscal year 2021-2024. Fiscal years 2022-2024 constituted the highest number of complaints ever received by OCR, which equated to a 64% increase over the complaint volume received during the prior administration. In total, OCR received 71,385 cases from January 20, 2021 through December 23, 2024 and resolved 56,383 cases.[882]

---

[879] U.S. Gov't Accountability Office, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force*.
[880] U.S. Gov't Accountability Office, *Department of Education: Full Costs and Savings Estimate Needed for Reduction-in-Force*, p. 2.
[881] Ibid., pp. 9-10 (noting that "From March 11, 2025, through September 23, 2025, OCR resolved a total of 7,072 complaints. About 90 percent of these were resolved by Education dismissing the complaints. Complaints can be dismissed for a variety of reasons. For example, in our 2021 report on school bullying, OCR noted that changes to departmental guidance have previously resulted in an increase in dismissals.13 In that report, we also found that dismissal rates varied from 49 percent of resolved complaints in school year 2010–11 to 81 percent in 2019–20.").
[882] U.S. Dep't of Education, *Protecting Civil Rights: Highlights of Activities*.

Figure 4.2 OCR Received Complaints (all), FY 2021-2024



Source: Protecting Civil Rights: Highlights of Activities, Office for Civil Rights, U.S. Dep't of Education

Of the total number of complaints received from FY 2021-2024, OCR received 3,871 complaints related to bullying or harassment on the basis of race or national origin.[883] Of these, in FY 2021, OCR received 27 complaints on the basis of shared ancestry; this number rose to 514 in FY 2024, an increase of 1,803%. In total, from FY 2021-2024, OCR received 641 shared ancestry complaints compared to 96 during the prior administration.[884]

Information on ED's website—which notes that it was last updated on December 23, 2025[885]—indicates that from 2021-2025 OCR opened 153 Title VI shared ancestry investigations, 88 of which were for postsecondary schools.[886] In September 2025, the Commission contacted ED requesting data on all opened shared ancestry investigations from 2021-2025 to determine the share that involved antisemitic incidents and the number of antisemitism cases per year. The Commission has not received a reply as of the writing of this report. In March 2026, ProPublica sued ED in federal court, alleging that it failed to provide public records related to civil rights investigations.[887] The filing states, "ED has historically maintained a database of pending cases under investigation, but that has not been updated since January 14, 2025. The public has no way

[883] Ibid.
[884] Ibid.
[885] This dating exists as of late May 2026.
[886] *See* U.S. Dep't of Education, Office for Civil Rights, "List of Open Title VI Shared Ancestry Investigations," https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/race-color-and-national-origin-discrimination-key-issues/discrimination-based-shared-0 (accessed Mar. 13, 2026).
[887] *ProPublica v. US Department of Education*, Case 1:26-cv-01576, S.D. NY (Feb. 25, 2026), https://www.documentcloud.org/documents/27688445-propublica-vs-us-department-of-education/.

of knowing what work ED is doing on behalf of students experiencing discrimination at schools."[888]

Whether a given shared ancestry case concerns antisemitism is not clear from the limited available public information, so the following numbers in Table 4.1 below are informed estimates based on limited public information published by ED online about some Title VI shared ancestry investigations and is therefore incomplete. It is also unclear whether any of these listed open cases have since been resolved. Additionally, a large number of the cases opened by the Trump administration in 2025 (i.e., 55 of 60 listed by ED on March 10, 2025) are referred to as "under investigation or monitoring in response to complaints filed with OCR"; accordingly, their status as Title VI cases is not clear.[889]

Table 4.1: Opened Title VI Shared Ancestry Cases, 2021-2025

Year	Antisemitism Cases	Non-Antisemitism Cases	Unknown	Total
2021	0	0	1	1
2022	1	0	5	6
2023	20	2	4	26
2024	35	8	11	54
2025	66	1	4	71
Total	**122**	**11**	**25**	**158**

Sources: U.S. Dep't of Education, Office for Civil Rights, "List of Open Title VI Shared Ancestry Investigations," https://www.ed.gov/laws-and-policy/civil-rights-laws/race-color-and-national-origin-discrimination/race-color-and-national-origin-discrimination-key-issues/discrimination-based-shared-0 (accessed April 21, 2026); U.S. Dep't of Education, Newsroom, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment," https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment (accessed April 21, 2026).

Table 4.1 above shows that the number of opened Title VI antisemitism cases related to educational institutions (i.e., primary, secondary, and postsecondary) increased in each year from 2023-2025; it also shows a distinct jump in the number of open cases after 2021 and 2022.

Given the lack of full and transparent data from ED, witnesses at the Commission's briefing provided overviews of open and resolved case data. However, the Commission has not been able to independently confirm the information with ED data nor determine whether there are duplicates or discrepancies between the data reported above and that offered by the witnesses. Yet the

[888] *Id.* at 3-4.
[889] U.S. Dep't of Education, Office for Civil Rights, Newsroom, "U.S. Department of Education's Office for Civil Rights Sends Letters to 60 Universities Under Investigation for Antisemitic Discrimination and Harassment," Mar. 10, 2025, https://www.ed.gov/about/news/press-release/us-department-of-educations-office-civil-rights-sends-letters-60-universities-under-investigation-antisemitic-discrimination-and-harassment (accessed Mar. 13, 2026).

information they provided is important and helps fill out an overall picture. Mathew Nosanchuk, a former Assistant Secretary at ED during the Biden administration, testified that in 2024 OCR:

> concluded 19 resolution agreements involving claims of antisemitic discrimination in violation of Title VI. . .. These included agreements with major universities such as the University of Michigan, Brown University, the City University of New York, the University of California system, the University of Illinois Urbana-Champaign, Rutgers, Johns Hopkins, and the University of Washington, as well as K–12 school districts including the School District of Philadelphia, Howard County Public Schools, and the Red Clay Consolidated School District.[890]

Craig Trainor, former Acting Assistant Secretary at OCR in 2025, testified at the Commission's briefing:

> According to OCR data, from January 20, 2021 to October 7, 2023, the Biden OCR opened 32 Title VI antisemitic discrimination investigations, resulting in only one resolution agreement in two years and eight months. From October 7, 2023, to January 19, 2025, the Biden OCR opened 111 Title VI antisemitic discrimination investigations, resulting in only 37 resolution agreements despite the daily crisis that these cases represented.[891]

And as stated above, Linda Mangel, a former Enforcement Director at OCR under multiple previous administrations, testified:

> In 2024, OCR opened 142 shared ancestry complaints for investigation. By the middle of January 2025, OCR secured meaningful and durable resolution agreements in 19 antisemitism cases including agreements with Harvard, Brown, University of Michigan, the City University of New York, the University of California system, the University of Illinois, George Washington, Rutgers, Johns Hopkins, the University of Washington and several K-12 school districts.[892]

Data on resolved cases, like open cases, are not fully available. As of March 2026, the last resolved antisemitism case documented on the OCR website was dated January 17, 2025. Beth Gellman-Beer, former regional director of OCR's Philadelphia Office, provided data to the Commission at its briefing indicating that OCR under the Trump administration has resolved two antisemitism cases: Columbia University (May 2025) and Brown University (July 2025).[893] At least four more antisemitism cases were resolved by the Task Force in 2025: UCLA, Harvard University, George

---

[890] Nosanchuk statement, *Antisemitism Briefing,* p. 3.
[891] Trainor statement, *Antisemitism Briefing,* p. 5.
[892] Mangel statement, *Antisemitism Briefing,* p. 3.
[893] The Commission requested full complaint data from OCR, but as of the writing of this report, has yet to receive a response. *See* Beth Gellman-Beer statement, Addendum 3, *Antisemitism Briefing* [on file].

Washington University, and Northwestern University.[894] Note that data uncertainty makes it difficult to confirm whether some of these resolved cases are the same as those listed below in relation to DOJ's actions. According to Gellman-Beer's information, in 2024 the Biden administration resolved 14 antisemitism cases at colleges and universities.[895]

Resolution numbers accordingly may be higher than are currently listed on OCR's website and as seen in Table 4.2 below. Given this qualification, public information on ED's website dated to January 2025 indicates that there was a total of 42 resolved national origin or shared ancestry cases investigations (33 were postsecondary, 9 elementary or secondary) from 2021-2025.[896] Of these, 38 were antisemitism cases.

Table 4.2: Resolved Title VI Shared Ancestry Cases, 2021-2025

Year	Elementary/Secondary	Postsecondary	Resolved AS Cases*	Total Resolved Cases*
2021	1	0	0	1
2022	1	0	1	1
2023	0	1	1	1
2024	6	21	26	27
2025	1	11	10	12

*Note: some of these resolutions were cases involving the same school or university
Source: U.S. Dep't of Education, Office for Civil Rights Recent Resolution Search, https://ocrcas.ed.gov/ocr-search (last accessed April 21, 2026).

As Table 4.2 above indicates, resolutions also climbed in 2024 and 2025. Similar to opened Title VI antisemitism cases, resolved cases also increased at postsecondary institutions in 2024 and 2025.

Department of Justice

The Justice Department is charged with coordinating the implementation and enforcement of Title VI and oversight over the performance of other executive branch agencies in fulfilling their Title VI obligations.[897] DOJ also operates as the legal representative of the United States in Title VI litigation.[898] After the CRA was signed into law, a series of executive orders from the mid-1960s through the 1970s shifted Title VI coordination responsibility across various entities in the

[894] Ibid.
[895] Ibid.
[896] When disaggregating data on ED's website, both shared ancestry and national origin discrimination are listed as choices despite that both are covered under Title VI so some cases may appear under both, *see* U.S. Dep't of Education, Office for Civil Rights Recent Resolution Search, https://ocrcas.ed.gov/ocr-search (accessed Mar. 10, 2026).
[897] U.S. Dep't of Justice, Civil Rights Division, Federal Coordination and Compliance Section, *Title VI Legal Manual*, https://www.justice.gov/crt/fcs/T6manual3 (accessed Mar. 13, 2026).
[898] Ibid.

executive branch. In 1980, Executive Order 12250 "directed the Attorney General to oversee and coordinate the implementation and enforcement responsibilities of the federal agencies pursuant to Title VI," vesting DOJ with principal oversight authority.[899]

DOJ meets its Title VI coordinating obligations in a number of ways. The Attorney General, via authority frequently delegated to the Assistant Attorney General for Civil Rights, approves Title VI rules and regulations drafted by federal agencies as well as guidance documents issued by other agencies.[900] DOJ also "develops formal and informal guidance regarding implementation of Title VI, including legal interpretations of the statute and regulations" and "such interpretations of Title VI are entitled to special deference from the courts."[901] Additionally, the Federal Coordination and Compliance Section (FCS) of the Civil Rights Division (CRT) provides interagency leadership on Title VI implementation, including legal counsel, technical assistance, coordination of complaints and investigations when multiple funding agencies are involved, and evaluation of Title VI implementation across agencies.[902]

DOJ "serves as the federal government's litigator" and is authorized by statute to enforce Title VI through "the filing of civil actions."[903] This includes agency referrals of potential instances of noncompliance to DOJ for judicial enforcement as well as filings from DOJ in private litigation.[904] In particular, agencies are advised to refer cases to DOJ "if they are unable to achieve voluntary compliance and to request that DOJ assist in seeking resolution of the matter," including when civil rights matters under Title VI "cannot be resolved administratively" by the agency in question.[905] Alyssa Lareau, a DOJ attorney from 2009 to 2025, testified to the Commission that, during her tenure, it was "rare" for DOJ in the Title VI cases it investigated to conclude that compliance could not be achieved through voluntary means and proceed to "options for securing compliance." When such options were undertaken, the most frequent was litigation.[906]

Title VI Investigatory Process

Since DOJ oversees Title VI implementation, coordination, and enforcement across agencies, the "key principles" governing DOJ's approach to conducting a Title VI investigation, according to Alyssa Lareau's written testimony, "do not vary across agencies."[907] It is important to reiterate,

---

[899] Ibid; *see also,* Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX.*
[900] U.S. Dep't of Justice, *Title VI Legal Manual*.
[901] Ibid.
[902] Alyssa Lareau, former Attorney for the Federal Coordination and Compliance Section, Civil Rights Division, Dep't of Justice, written statement, *Antisemitism Briefing,* p. 1 [hereinafter Lareau statement]; U.S. Dep't of Justice, *Title VI Legal Manual*, p. 5.
[903] U.S. Dep't of Justice, *Title VI Legal Manual*, p. 6.
[904] Ibid.
[905] Ibid.
[906] Lareau statement, *Antisemitism Briefing,* p. 5.
[907] Ibid., p. 2.

however, that until the establishment of the Task Force in 2025 most Title VI campus antisemitism cases were conducted by ED OCR, as is explored above.

The aim of DOJ's Title VI investigations, as stated in agency regulations, merits attention before detailing the steps involved. The "animating principle" of these regulations, Lareau testified, is to work with funding recipients to achieve voluntary compliance.[908] This is confirmed in Title VI itself: "no such [enforcement] action shall be taken until the department or agency . . . has determined that compliance cannot be secured by voluntary means."[909] It is also confirmed by subsequent agency regulations:

> [E]ach responsible Department official shall, to the fullest extent practicable, seek the cooperation of recipients in obtaining compliance with this subpart and shall provide assistance and guidance to recipients to help them comply voluntarily with this subpart.[910] Title VI requires that a concerted effort be made to persuade any noncomplying applicant or recipient voluntarily to comply with [T]itle VI.[911]

Title VI investigations are initiated at DOJ "whenever a compliance review, report, complaint, or any other information indicates a possible failure to comply" with Title VI.[912] Once it determines it had jurisdiction over the program or activity where the alleged discrimination occurred, CRT sends a letter to the funding recipient alerting it of potential noncompliance. The subsequent investigation involves reviewing the recipient's response, a data request, and often a site visit.[913]

DOJ's Title VI regulations state that if an investigation "indicates a failure to comply . . . the responsible Department official or his designee will so inform the recipient and the matter will be resolved by informal means whenever possible."[914] This often meant that CRT would provide "technical assistance and/or training to the recipient" or enter into "informal agreements, including voluntary resolution agreements, memoranda of understanding, or letter agreements."[915] This "informal, collaborative, and resolution driven" approach was, Lareau testified, the primary action taken at DOJ during her tenure, although a more formal approach involved issuing a "Letter of Findings" that outlined the results of the investigation and steps needed for the recipient to resolve the matter.[916]

---

[908] Ibid., p. 2.
[909] 42 U.S.C. § 2000d-1.
[910] 28 C.F.R. § 42.106(a).
[911] 28 C.F.R. § 50.3(I)(C).
[912] 28 C.F.R. § 42.107(c).
[913] Lareau statement, *Antisemitism Briefing,* pp. 2-3.
[914] 28 C.F.R. § 42.107(d)(1).
[915] Lareau statement, *Antisemitism Briefing,* p. 4.
[916] Ibid.

If voluntary compliance cannot be obtained, Section 602 of Title VI instructs agencies to pursue compliance in two ways:

1. "by the termination of or refusal to grant or to continue assistance," or
2. "by any other means authorized by law."[917]

For DOJ, "any other means authorized by law" primarily involves litigation.[918] The reason for this is that the alternative of funding termination ultimately harms *all* beneficiaries of federal funding. In other words, funding termination reaches well beyond the responsible parties, imposing costs on a much wider population of funding recipients and beneficiaries, including some who experienced the discrimination firsthand.[919]

This reality is reflected in the Supreme Court's acknowledgement of Congress's intent that funding termination be a "last resort".[920] Likewise, the congressional record "reflects the concern that Title VI might be used in a 'vindictive' or 'punitive' manner with respect to the 'cut off' of federal funds . . . Congress took pains to avoid this possibility."[921] Thus, DOJ frequently undertakes proceedings in court to compel the funding recipient to comply, avoiding concerns about the collateral damage of funding termination.

If, however, DOJ decides to terminate funding, Title VI requires a four-step process that involves notifying the institution in question that it is not in compliance; seeking voluntary compliance; if voluntary compliance cannot be achieved, holding a hearing and making an "express finding on the record"; and the Attorney General must provide a written report to the relevant Congressional committees and wait thirty days before proceeding with funding termination.[922]

While testimony at the Commission's briefing suggests that litigation was the primary vehicle by which DOJ traditionally approached the issue of noncompliance from a recipient, recent actions—including some listed below—by the Task Force appear to depart from longstanding interpretations of what agencies are authorized to pursue under Title VI.[923] Nevertheless, all agencies must follow their own Title VI regulations as well as the steps required by Title VI for enforcement. ED and HHS regulations, for example, generally provide that neither agency can refuse or terminate

---

[917] Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX*, at 2.
[918] Lareau statement, *Antisemitism Briefing,* p. 3.
[919] *See, e.g.,* Silverman statement, pp. 7-8.
[920] Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX*, p. 2; *see also, Cannon v. Univ. of Chi.,* 441 U.S. 677, 704 (1979), https://tile.loc.gov/storage-services/service/ll/usrep/usrep441/usrep441677/usrep441677.pdf#page=29.
[921] *Am. Ass'n of Univ. Professors v. Trump*, 815 F. Supp. 3d 907, 964 (N.D. Cal. 2025). For more on the Congressional debate during the drafting of Title VI, *see also,* Stephen C. Halpern, *On the Limits of the Law: The Ironic Legacy of Title VI of the 1964 Civil Rights Act* (Baltimore: Johns Hopkins University Press, 1995); Goldberg & Johnson, *Campus Crises and the Limits of Title VI*; *see also,* Chapter 2.
[922] The statutory procedures found in 42 U.S.C. §2000d-1 are detailed in full in Chapter. 2.
[923] Lareau statement, *Antisemitism Briefing,* p. 5.

funding without following the steps listed above.[924] Given DOJ's role in overseeing Title VI, and the Task Force's unique role as a DOJ-based multiagency body, it is less clear how the agency is currently interpreting its own Title VI regulations and their relationship to its statutory obligations under Title VI.

Recent funding terminations involving the Trump administration's Task Force—for example, the termination of funding to Columbia University in 2025—have been conducted under what the administration has argued is its authority under the Federal Acquisition Regulation (FAR) to terminate contracts and the Office of Management and Budget's Uniform Guidance to terminate grants.[925] Multiple universities have filed lawsuits alleging that funding terminations violated both Title VI and the Administrative Procedure Act (APA).[926] At the Commission's briefing, Cornell Law professor Michael Dorf, argued that the Task Force has "repeatedly violated federal law . . . and the Constitution in pursuing their mission. Actions targeting Columbia and Harvard illustrate the pattern of lawlessness. Barely a month after its creation, the Task Force canceled $400 million worth of federal grants to, and contracts with, Columbia."[927] In all the funding termination cases involving antisemitism and the Task Force thus far, it appears the statutorily required procedural steps listed above have not been followed.

Initiatives and Enforcement Actions to Address Campus Antisemitism, 2021-2025

DOJ took several steps under the Biden administration to respond to campus antisemitism. On October 30, 2023, it announced that DOJ began working with campus law enforcement nationwide to address antisemitism at colleges and universities.[928] In May 2024, DOJ organized an interagency meeting with Jewish stakeholders and former Attorney General Merrick Garland gave a speech at ADL reaffirming DOJ's commitment to combatting antisemitism.[929] Based on publicly available information, DOJ did not appear to be involved in Title VI campus antisemitism cases—which

[924] Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX*, at 5.
[925] Ibid.
[926] *See, e.g.*, *Am. Ass'n of Univ. Professors*, 815 F. Supp. 3d 907; *President & Fellows of Harvard Coll. v. U.S. Dep't of Health & Hum. Servs.*, 798 F. Supp. 3d 77 (D. Mass. 2025); *see also, supra* notes 987-996 (discussing recent litigation).
[927] Dorf testimony, *Antisemitism Briefing*, pp. 49-50.
[928] The White House, "Fact Sheet: Biden-Harris Administration Takes Action to Address Alarming Rise of Reported Antisemitic and Islamophobic Events at Schools and on College Campuses," Nov. 14, 2023, https://bidenwhitehouse.archives.gov/briefing-room/statements-releases/2023/11/14/fact-sheet-biden-harris-administration-takes-action-to-address-alarming-rise-of-reported-antisemitic-and-islamophobic-events-at-schools-and-on-college-campuses/.
[929] U.S. Dep't of Justice, "Readout of Justice Department's Civil Rights Division's Meeting with Community Stakeholders," May 1, 2024, https://www.justice.gov/archives/opa/pr/readout-justice-departments-civil-rights-divisions-meeting-jewish-community-stakeholders; JNS, "Attorney General Merrick Garland's remarks at ADL's 'Never Is Now' summit," Mar. 7, 2024, https://www.jns.org/attorney-general-merrick-garlands-remarks-at-adls-never-is-now-summit/.

were traditionally and primarily handled by ED OCR[930]—prompting some lawmakers to request further information about DOJ's role in such matters.[931]

In a shift from the longstanding practice of prior administrations, the second Trump administration appears to have largely relocated federal efforts to combat antisemitism and conduct investigations under Title VI away from ED to DOJ. On February 3, 2025, former Attorney General Pamela Bondi established the multiagency Task Force to Combat Anti-Semitism (Task Force), which principally operates out of DOJ and is led by Leo Terrell, Senior Counsel to the Assistant Attorney General for Civil Rights.[932] The Task Force was formed pursuant to President Trump's Executive Order 14188, "Additional Measures to Combat Anti-Semitism," and includes representatives of other agencies, such as HHS and ED.[933] Executive Order 14188 enjoins all agencies to support executive branch efforts to combat antisemitism and the Task Force's multiagency membership underscores its authority in acting on behalf of, or with, ED, HHS and other agencies in Title VI investigations. At the Commission's briefing, Senior Counsel for the Civil Rights Division (CRT) at DOJ, Gregory Dolin testified that DOJ has focused its efforts on preventing antisemitism on campuses:

> [W]e undertake our efforts with clear understanding that the First Amendment protects speech, even hateful speech, on college campuses and elsewhere. Thus, in our investigations, lawsuits, or settlement agreements, we never target speech as such. Rather, we focus on instances of antisemitism that rise to the level of harassment or those that show disparate treatment of Jewish students by the universities.[934]

---

[930] Title VI shared ancestry investigations, like other kinds of Title VI investigations, are generally pursued by agencies with the relevant funding jurisdiction. ED is the primary provider of federal funds to most colleges and universities. *See* Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX*; Civil Rights Division, U.S. Dep't of Justice, *Title VI Legal Manual*, p. 6.

[931] Claudia Tenney, Bill Posey, Elise M. Stefanik, Keith Self, and Michael V. Lawler, Letter to Assistant Attorney General Clarke, May 6, 2024, https://tenney.house.gov/sites/evo-subsites/tenney.house.gov/files/evo-media-document/final%20-Letter%20to%20Asst%20AG%20Kristen%20Clarke%20.pdf

[932] U.S. Dep't Justice, Office of Public Affairs, "Justice Department Announces Formation of Task Force to Combat Ant-Semitism," Feb. 3, 2025, https://www.justice.gov/opa/pr/justice-department-announces-formation-task-force-combat-anti-semitism; *see also*, Jessica Blake, "Who Is on Trump's Antisemitism Task Force?" *Inside Higher Ed,* Apr. 2, 2025, https://www.insidehighered.com/news/government/politics-elections/2025/04/02/who-trumps-antisemitism-task-force.

[933] Additional Measures to Combat Anti-Semitism, Exec. Order No. 14188, 90 Fed. Reg. 8847 (Jan. 29, 2025); Liz Essley Whyte, Douglas Belkin, and Sara Randazzo, "The Little-Known Bureaucrats Tearing Through American Universities," *Wall Street Journal*, Apr. 14, 2025, https://www.wsj.com/us-news/education/anti-semitism-task-force-who-247c234e?gaa_at=eafs&gaa_n=AWEtsqcOT186bkuH38UqRsPeQNBGPYUsq5fftkgOB0WO543c1z1NaJhZZRzcxprLAKg%3D&gaa_ts=69a74371&gaa_sig=PqSqGOuSe4rm_8QvpjtNpzAMtU793mAjYayofD_Rg4sM9a2VkxEbtIEaNc--Dot7JZfRLtKeSdtWcfBpPhLqiA%3D%3D.

[934] Gregory Dolin, Senior Counsel, Civil Rights Division, U.S. Dep't of Justice, testimony, *Antisemitism Briefing*, pp. 93-94 [hereinafter Dolin testimony].

Underscoring the Trump administration's focus on antisemitism are a series of additional DOJ-led initiatives. In May 2025, the department established the Civil Rights Fraud Initiative, which is charged to conduct investigations under the False Claims Act of recipients of federal funds that fail to comply with civil rights obligations, including those pertaining to antisemitic discrimination.[935] In June 2025, Assistant Attorney General Brett Schumate released a memorandum to DOJ's CRT stating that "the Civil Division will prioritize investigations and enforcement actions against entities that make claims for federal funds but knowingly violate federal civil rights laws by participating in or allowing antisemitism."[936] For example, the July 2025 settlement with Columbia University suggests that the university was under investigation for violating the False Claims Act.[937] In August 2025, DOJ also announced the creation of a federal advisory committee—the "Anti-Semitism Advisory Committee (ASAC)—to provide the Attorney General with recommendations on combating antisemitism, covering education, security, prevention, and interagency coordination."[938] It is not clear, however, if or how ASAC works with or will replace the Task Force as the DOJ has not released any information about the work of this committee as of the writing of this report.

In June 2026, ED announced a series of interagency agreements (IAAs)[939] which included a "Civil Rights Partnership" between ED and DOJ.[940] As of the writing of this report, full details about the partnership have not been released. Initial statements by ED officials indicate that "many of [OCR's] duties will now be completed in partnership with the DOJ" and that "DOJ investigations and findings will inform" OCR's work.[941] A potential consequence of this move is a change in the quantity of civil rights complaints that will be investigated: while OCR "is mandated to evaluate every complaint they receive," DOJ "can pick and choose which complaints it pursues."[942]

---

[935] U.S. Dep't of Justice, Office of Public Affairs, "Justice Department Establishes Civil Rights Fraud Initiatives," May 19, 2025, https://www.justice.gov/opa/pr/justice-department-establishes-civil-rights-fraud-initiative.
[936] Brett A. Shumate, Assistant Attorney General, U.S. Dep't of Justice, Memorandum to All Civil Division Employees, "Civil Division Enforcement Priorities," June 11, 2025, https://www.justice.gov/civil/media/1404046/dl.
[937] Resolution Agreement between the United States of America and Columbia University, July 23, 2025, https://president.columbia.edu/sites/president.columbia.edu/files/content/July%202025%20Announcement/Columbia%20University%20Resolution%20Agreement.pdf (accessed May, 19, 2026).
[938] Notice of Intent to Establish an Advisory Committee, 90 Fed. Reg. 39427 (Aug. 15, 2025), https://www.federalregister.gov/documents/2025/08/15/2025-15608/notice-of-intent-to-establish-an-advisory-committee.
[939] Jessica Blake, "Breaking Down ED's Interagency Agreements," *Inside Higher Ed*, March 24, 2026, https://www.insidehighered.com/news/government/politics-elections/2026/03/24/breaking-down-eds-interagency-agreements.
[940] U.S. Dep't of Education, "U.S. Department of Education Announces Additional Partnerships to Strengthen Coordination for Individuals with Disabilities Programs, Civil Rights Enforcement," June 16, 2026, https://www.ed.gov/about/news/press-release/us-department-of-education-announces-additional-partnerships-strengthen-coordination-individuals-disabilities-programs-bolster-civil-rights.
[941] Blake, "ED Shifts Some Civil Rights Enforcement to Justice Department." However, initial reporting also suggests that OCR still undertake investigations and make final decisions; *see also,* Jessica Blake, "Justice Department to Investigate ED's Civil Rights Cases," *Inside Higher Ed*, June 17, 2026, https://www.insidehighered.com/news/government/2026/06/17/justice-department-investigate-eds-civil-rights-cases.
[942] Blake, "Justice Department to Investigate ED's Civil Rights Cases."

These steps appear to mark a recent move to centralize coordination of Title VI campus antisemitism cases in DOJ. Jurisdiction to conduct a Title VI investigation is traditionally determined by the recipient of funding. For example, most federal funding to colleges and universities is from ED,[943] thus ED has typically initiated administrative enforcement actions if a recipient of its funding is found to be in noncompliance under Title VI.[944] According to Alyssa Lareau, former attorney for the FCS at DOJ, historically a less frequent approach has been to hand such as case over to DOJ. Delegation agreements between agencies may also govern which agencies undertake enforcement actions.[945] Notably, the Task Force has led recent Title VI investigations on behalf of multiple agencies.[946] For example, on February 28, 2025 the Task Force announced that it planned to visit 10 universities to investigate antisemitism complaints.[947] Additionally, the Task Force has been the primary contact and negotiator with several universities while funding termination letters arrived separately from relevant funding agencies.[948]

DOJ Title VI Actions

Precise data on Title VI campus antisemitism cases opened and resolved by DOJ—much less those that were referred to DOJ by other agencies, or were dismissed, went to litigation, or led to funding termination—are not publicly available. The Commission requested this information from DOJ in September 2025, staff followed up with the agency for several months, and Commissioners reminded Department representatives of the request at the Commission's briefing in February 2026. As of July 2026, however, the Commission has not received a response.

Since January 2025, DOJ has made public several Title VI antisemitism investigations into college and university campuses. Two mentioned at the Commission's briefing by Gregory Dolin, Senior Counsel in the Civil Rights Division at DOJ, were Columbia University and George Mason University.[949] The Task Force has been involved in several more cases, and more information on some of these cases is discussed below.[950] Table 4.3 below provides a list of Title VI antisemitism

---

[943] Graber, *Enforcing the Antidiscrimination Mandates of Title VI and Title IX.*
[944] Ibid.; *see also,* Alyssa Lareau, former Attorney for the Federal Coordination and Compliance Section, Civil Rights Division, Dep't of Justice, email correspondence, *Antisemitism Briefing*, Feb. 18, 2026 [on file] [hereinafter Lareau correspondence].
[945] Ibid.

[946] *See, e.g.*, *Am. Ass'n of Univ. Professors*, 815 F. Supp. 3d at 963–66.
[947] *See* U.S. Dep't of Justice, Office of Public Affairs, "Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism," Feb. 28, 2025, https://www.justice.gov/opa/pr/federal-task-force-combat-antisemitism-announces-visits-10-college-campuses-experienced. However, it is unclear whether these visits ever occurred, *see* Laura Meckler, Dan Rosenzweig-Ziff, Susan Svrluga, Perry Stein and Emily Davies, "Inside the Powerful Task Force Spearheading Trump's Assault on Colleges, DEI," *Washington Post*, July 24, 2025.
[948] *See, e.g.*, *President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 93–100.
[949] Gregory Dolin, Senior Counsel, Civil Rights Division, U.S. Dep't of Justice, written statement, *Antisemitism Briefing*, pp. 1-2 [hereinafter Dolin statement].
[950] *See infra* note 952.

investigations, probes, and some agreements undertaken by DOJ since January 2025. Note that this information is based only on publicly available statements and press releases from DOJ's website and is likely incomplete.[951] The table also only contains investigations that appear to be led by DOJ; more investigations have been undertaken as joint efforts by ED, HHS, and DOJ; those opened by ED are listed above (see Table 4.1).[952] Academic institutions subject to multiple DOJ actions appear more than once, listed by date.

Table 4.3: DOJ Title VI Antisemitism Actions, January 2025 – February 2026

Date	College/University	Action
February 28, 2025	Columbia University	Announced Task Force Visit
February 28, 2025	George Washington University	Announced Task Force Visit
February 28, 2025	Harvard University	Announced Task Force Visit
February 28, 2025	Johns Hopkins University	Announced Task Force Visit
February 28, 2025	New York University	Announced Task Force Visit
February 28, 2025	Northwestern University	Announced Task Force Visit
February 28, 2025	UCLA	Announced Task Force Visit
February 28, 2025	University of California, Berkeley	Announced Task Force Visit
February 28, 2025	University of Minnesota	Announced Task Force Visit
February 28, 2025	University of Southern California	Announced Task Force Visit
March 13, 2025	Universities in: New York City, Los Angeles, Chicago, and Boston	Announced Task Force Visit
March 18, 2025	UCLA	Issued Statement of Interest in private civil litigation regarding Title VI antisemitic discrimination
March 31, 2025	Harvard University	Initiated Contract Review for Federal Funding

[951] Note, this information is based only on publicly available statements and press releases from DOJ's website and thus, is likely incomplete. *See* U.S. Dep't of Justice, "All News," https://www.justice.gov/news.

[952] Given the Task Force's multiagency status and the lack of public case-by-case data and updates from DOJ, ED, and HHS, it is difficult to determine which Title VI campus antisemitism investigations are solely DOJ efforts, which are joint agency efforts, and which are a result of direct White House negotiations. *See, e.g.,* Mitch Smith, "Trump Administration Seeks $1 Billion From UCLA to Restore Research Funding." *New York Times*, Aug. 8, 2025, https://www.nytimes.com/2025/08/08/us/trump-ucla-research-funding-deal.html. Table 4.3 represents a determination based on DOJ press releases from January 2025 – February 2026. Some investigations may overlap with other lists in this report and in some cases different agencies appear to have opened separate investigations of the same institution, e.g., ED's Title VI antisemitism investigation of George Mason University on July 10, 2025 roughly coincides with DOJ's July 21, 2025 investigation. *See* U.S. Dep't of Education, "U.S. Department of Education Opens Title VI Investigation into George Mason University," July 10, 2025, https://www.ed.gov/about/news/press-release/us-department-of-education-opens-title-vi-investigation-george-mason-university.

June 30, 2025	Harvard University	Issued Notice of Violation of Title VI[953]
July 21, 2025	George Mason University	Title VI investigation
July 29, 2025	UCLA	Issued Notice of Violation of Title VI
August 12, 2025	George Washington University	Issued Notice of Findings that university violated Title VI
September 30, 2025	University of Nevada, Las Vegas	Opened Title VI investigation
October 22, 2025	University of Virginia	Agreement
November 7, 2025	Cornell University	Agreement
November 28, 2025	Northwestern University	Agreement

Source: DOJ press releases, January 2025-February 2026, https://www.justice.gov/news?search_api_fulltext=%20antisemitism&start_date=2025-01-20&end_date=2026-02-28&sort_by=search_api_relevance&page=0.

Several of the institutions in the above table are in ongoing litigation or negotiations with DOJ or other federal agencies.[954] In terms of the effectiveness of DOJ's actions thus far, the three agreements it has reached with the University of Virginia, Cornell University, and Northwestern University are instructive. Northwestern's agreement contains nearly three pages discussing steps the university committed to take, including additional "policies and procedures relating to discrimination and harassment" and involving updates to the Student Handbook, the Student Code of Conduct, and prohibitions on certain protest activities.[955] Cornell's agreement contains only one reference to addressing antisemitic discrimination under Title VI on campus, in which Cornell committed to "conduct annual surveys to evaluate campus climate for Cornell students, including the climate for students with shared Jewish ancestry."[956] The agreement with the University of

[953] Note that this action was announced by HHS' OCR and GSA but described as part of the Task Force's efforts. *See* U.S. Dep't of Health and Human Services, "HHS' Civil Rights Office Finds Harvard University in Violation of Federal Civil Rights Law," June 30, 2025, https://www.hhs.gov/press-room/hhs-finds-harvard-in-violation.html; U.S. General Services Administration, "Joint Task Force Letter to Harvard University Concerning Notice of Violation," June 30, 2025, https://www.gsa.gov/about-us/newsroom/news-releases/joint-task-force-letter-to-harvard-university-concerning-notice-of-violation-06302025.

[954] *See, e.g., Am. Ass'n of Univ. Professors v. Trump*, 815 F. Supp. 3d 907 (N.D. Cal. Nov. 14, 2025); *President & Fellows of Harvard Coll. v. U.S. Dep't of Health & Hum. Servs.*, 798 F. Supp. 3d 77 (D. Mass. 2025); *Am. Fed'n of Tchrs. v. U.S. Dep't of Educ.*, 796 F. Supp. 3d 66 (D. Md. 2025); Complaint, *United States v. Regents of the Univ. of Cal.*, No. 2:26-cv-05589 (C.D. Cal. May 26, 2026); *see also* Plaintiffs' Reply in Support of Motion for Temporary Restraining Order, *Ass'n of Am. Univs. v. Dep't of Health & Hum. Servs.*, No. 1:25-cv-10346-AK (D. Mass. Feb. 18, 2025), ECF No. 80.

[955] Resolution Agreement Between the United States of America and Northwestern University, Nov. 28, 2025, pp. 3-5, https://www.northwestern.edu/president/docs/resolution-agreement-united-states-northwestern.pdf.

[956] Resolution Agreement Between the United States of America and Cornell University, Nov. 7, 2025, p. 4, https://statements.cornell.edu/2025/documents/cornell-settlement-agreement.pdf. The Commission also received a public comment submission from the Institute for the Global Study of Antisemitism (ISGAP) which argues that Section 17 of the Agreement addressing Section 117 of the Higher Education Act of 1965 (20 U.S.C. § 1011f) targets funding contributing to antisemitism on Cornell's campus. *See* The Institute for the Study of Global Antisemitism & Policy, *The Corruption of the American Mind: How Foreign Funding of Higher Education in the United States Predicts the Erosion of Democratic Values and Antisemitic Sentiment on Campus*, 2024, https://isgap.org/wp-content/uploads/2024/01/The-Corruption-of-the-American-Mind_V2-2.pdf.

Virginia contains no reference to Jewish students, but the university did commit to comply with federal antidiscrimination law, including Title VI, and to certify every quarter that it is in compliance.[957]

Department of Health and Human Services

The HHS Office for Civil Rights (OCR) enforces Title VI with respect to institutions of higher education, such as medical schools, that receive HHS funding.[958] HHS OCR, like other federal civil rights agencies that enforce and adjudicate Title VI cases, follows binding federal court decisions applying and interpreting Title VI and other federal antidiscrimination laws. In September 2025, the Commission requested information from HHS on this matter, as well as about cases it has opened and resolved from 2021-2025, but the Commission has not received a response as of July 2026.

Initiatives and Enforcement Actions to Address Campus Antisemitism, 2021-2025

In September 2023, as part of the National Strategy to Counter Antisemitism, HHS along with seven other agencies[959] clarified "for the first time in writing [t]hat Title VI of the Civil Rights Act of 1964 protects certain forms of antisemitism, Islamophobic, and related forms of discrimination in federally funded programs and activities."[960] HHS, along with other agencies, and with support from DOJ, provided fact sheets on how to address bias and discrimination against many different faith communities and these documents were translated into multiple languages including Yiddish, Hebrew, Arabic, and Punjabi.[961] HHS also stated that the agency would provide ongoing, nationwide training sessions to medical students about antidiscrimination laws and hold listening sessions with Jewish and Muslim religious leaders on religious discrimination in healthcare settings. The agency affirmed that the "sessions will inform future HHS departmental priorities."[962]

In February 2025, HHS's Office for Civil Rights (OCR) – as a part of the Task Force – announced that it was opening compliance reviews of four medical schools following reports of antisemitic

---

[957] Standstill Agreement Between the United States of America and the Rector and Visitors of the University of Virginia, Oct. 22, 2025, https://federalinfo.virginia.edu/sites/federalinfo/files/2025-10/US-University-of-Virginia-Standstill-Agreement-20251022.pdf.
[958] U.S. Dep't of Health and Human Services., "HHS' Civil Rights Office Clarifies Race-Based Prohibitions for Medical Schools to Advance Values of Initiative, Hard Work, and Excellence," May 6, 2025, https://www.hhs.gov/press-room/guidance-med-schools-dear-colleague-letter.html (accessed Mar. 13, 2026).
[959] These include the Departments of Agriculture, Homeland Security, Housing and Urban Development, Interior, Labor, Treasury, and Transportation.
[960] Gerhard Peters and John T. Wooley, "Fact Sheet: Biden-Harris Administration Takes Landmark Step to Counter Antisemitism Online," The American Presidency Project, https://www.presidency.ucsb.edu/documents/fact-sheet-biden-harris-administration-takes-landmark-step-counter-antisemitism.
[961] Ibid.
[962] Ibid.

incidents which occurred during their 2024 commencement ceremonies.[963] The complaints alleged that there were "displays of offensive symbols and messaging during the ceremonies, including alleged expressions of support for terrorist organizations."[964] An assessment of public information conducted by the Commission indicates that the specific HHS reviews for at least three of the four schools appear to have subsequently been subsumed into much broader university-wide federal enforcement actions, two of which have since been resolved. Columbia University entered into a resolution agreement with the government in July 2025,[965] as did Brown University,[966] while legal proceedings between Harvard University and the government are ongoing as of the writing of this report.[967] The status of the review at the fourth school, Johns Hopkins University, cannot be determined from publicly available information, as of the writing of this report.[968]

As mentioned above, these investigations suggest that HHS's OCR has taken on a broader Title VI enforcement role under the second Trump administration, particularly with respect to the Notice of Violations issued to Columbia and Harvard Universities, which concerned more than only healthcare education-related alleged violations.[969] For example, a May 2025 Notice of Violation against Columbia University indicates that HHS's OCR has followed the *Gartenberg*[970] decision and other similar federal court decisions to distinguish between protected speech and harassing speech that violates Title VI.[971] Like ED's OCR, HHS's OCR follows binding federal court decisions regarding Title VI to establish a violation.

---

[963] Liz Essley Whyte, "U.S. to Probe Reports of Antisemitic Incidents at Top Medical Schools," *Wall Street Journal*, Feb. 4, 2025, https://www.wsj.com/us-news/education/u-s-to-probe-antisemitic-incidents-at-top-medical-schools-a49e7ac8.
[964] U.S. Dep't of Health and Human Services, "HHS' Civil Rights Office Acts Swiftly to Combat Anti-Semitism," Feb. 3, 2025, https://www.hhs.gov/press-room/combating-anti-semitism.html.
[965] Resolution Agreement Between the United States of America and Columbia University.
[966] Resolution Agreement Between the United States of America and Brown University, July 30, 2025, https://www.brown.edu/sites/default/files/brown-and-united-states-resolution-agreement_July-30-2025.pdf.
[967] *President & Fellows of Harvard Coll. v. U.S. Dep't of Health & Hum. Servs.*, 798 F. Supp. 3d 77 (D. Mass. 2025). For an overview of several HHS-related cases, *see* Alysha Stein-Manes, "Trump Administration Settles Antisemitism and Other Discrimination Complaints with Columbia University, Brown University, and UCLA," Liebert Cassidy Whitmore, Aug. 5, 2025, https://www.lcwlegal.com/news/trump-administration-settles-antisemitism-and-other-discrimination-complaints-with-columbia-university-brown-university-and-ucla/.
[968] Note that this Johns Hopkins investigation is distinct from one which was resolved in January of 2025; *see* U.S. Dep't of Education, Office for Civil Rights, Resolution Letter to Johns Hopkins University, Jan. 7, 2025, https://ocrcas.ed.gov/sites/default/files/ocr-letters-and-agreements/03242140-a.pdf, as well as another HHS investigation began in March 2025 that included Johns Hopkins but concerned a different set of issues; *see* U.S. Dep't of Health and Human Services, Office for Civil Rights, "HHS' Civil Rights Office Launches Sixth Investigation to Promote Merit-Based Opportunity," Apr. 11, 2025, https://www.hhs.gov/press-room/ocr-investigates-sixth-merit-based-opporunity.html.
[969] U.S. Dep't of Health and Hum. Services, Office for Civil Rights, "HHS' Civil Rights Office Finds Columbia University in Violation of Federal Civil Rights Law," May 22, 2025, https://www.hhs.gov/press-room/ocr-columbia-violates-federal-civil-rights-law.html (accessed March 13, 2026); U.S. Dep't of Health and Hum. Services, Office for Civil Rights, "HHS' Civil Rights Office Finds Harvard University in Violation of Federal Civil Rights Law.
[970] *Gartenberg v. Cooper Union for the Advancement of Sci. & Art*, 765 F.Supp. 3d 245 (S.D.N.Y. 2025); for a discussion of this case, *see* Chapter 2.
[971] U.S. Dep't of Health and Human Services, Office of Civil Rights, Joint Notice of Violation to Columbia University, May 22, 2025, https://www.hhs.gov/civil-rights/for-providers/compliance-

Table 4.4 below records HHS's involvement in Title VI campus antisemitism cases since its more active role in 2025, according to public information.[972] Note that some of these cases overlap with others listed above in this chapter, as they are multiagency efforts. Moreover, and as noted above, several of these actions were since incorporated into broader Title VI cases; a number of the steps taken to broaden them are also noted in Table 4.4 by date.

Table 4.4: HHS Title VI Antisemitism Actions, January 2025 – February 2026

Date	College/University	Action	Additional Agencies
February 3, 2025	Columbia University	Compliance Review	Task Force, ED
February 3, 2025	Harvard University	Compliance Review	Task Force, ED
February 3, 2025	Brown University	Compliance Review	Task Force, ED
February 3, 2025	Johns Hopkins University	Compliance Review	Task Force, ED
March 3, 2025	Columbia University	Federal Contracts Review	ED, GSA
May 22, 2025	Columbia University	Notice of Violation	Task Force
June 30, 2025	Harvard University	Notice of Violation	Task Force
July 9, 2025	Harvard University	Creditor Notification	Unknown
July 23, 2025	Columbia University	Resolution	Task Force
July 30, 2025	Brown University	Resolution	Task Force
September 29, 2025	Harvard University	Suspension and Disbarment Proceedings	Unknown

Taken together, the actions described in this chapter appear to illustrate a significant shift in the federal government's response to campus antisemitism over the past several years. Historically, ED's OCR served as the primary federal agency responsible for investigating and resolving allegations of antisemitic discrimination in educational settings through the administrative enforcement mechanisms of Title VI. More recently, however, federal efforts have increasingly involved the DOJ and a multiagency task force structure designed to coordinate investigations and enforcement actions across agencies (including HHS). These changes seem to reflect a broader effort within the executive branch to centralize federal responses to antisemitism and to restructure the range of enforcement tools deployed to address alleged violations of civil rights law.

As discussed in this chapter, the federal government's enforcement of alleged Title VI violations has evolved since January 2025. Most specifically, investigations are conducted by the

enforcement/examples/national-origin/ocr-joint-notice-of-violation-to-columbia/index.html (accessed Mar. 13, 2026).

[972] Due to the reliance on public information, this list may be incomplete.

multiagency Task Force housed in DOJ and tend to focus more on negotiated settlements or litigation rather than investigations led by ED's OCR. The final section of this report provides a brief discussion of some of the ongoing cases between universities and the federal government.

Recent Examples of Federal Enforcement

There have been a number of high-profile federal investigations and court cases involving allegations of antisemitism on college and university campuses. The Task Force's first investigation against a university was announced in February 2025 against UCLA, which was discussed in Chapter 3.[973] Shortly following that announcement, the Task Force announced an investigation of Columbia University on March 3, 2025.[974] Four days later, on March 7, 2025, the Task Force announced the cancellation of $400 million in federal grants to Columbia University.[975] In July 2025, Columbia reached a settlement with the federal government regarding the university's response to alleged antisemitic harassment on campus after the October 7, 2023 attacks in Israel. Under the terms of the agreement, the university committed to implement a series of policy, reporting, and compliance reforms related to antisemitism and campus climate. The settlement also included financial payments totaling more than $220 million, including approximately $200 million paid to the federal government and $21 million to resolve related employment discrimination claims brought by Jewish faculty and staff. In connection with the agreement, the federal government restored previously suspended research funding to the university.[976] Michael Dorf, Professor of Law at Cornell, testified to the Commission that the amount of the Columbia settlement was "unprecedented"[977] and that "there is no basis in federal law for such a sum."[978]

---

[973] U.S. Dep't of Justice, "Federal Task Force to Combat Antisemitism Announces Visits to 10 College Campuses that Experienced Incidents of Antisemitism"; *see, supra* notes 743-749 (discussing UCLA).
[974] U.S. General Services Administration, "HHS, ED, and GSA announce additional measures to end anti-Semitic harassment on college campuses," Mar. 3, 2025, https://www.gsa.gov/about-gsa/newsroom/news-releases/hhs-ed-and-gsa-announce-additional-measures-to-end-antisemitic-harassment-03032025.
[975] U.S. Dep't of Education, "DOJ, HHS, ED, and GSA Announce Initial Cancelation of Grants and Contracts to Columbia University Worth $400 Million," Mar. 7, 2025, https://www.ed.gov/about/news/press-release/doj-hhs-ed-and-gsa-announce-initial-cancelation-of-grants-and-contracts-columbia-university-worth-400-million.
[976] Associated Press, "Columbia University Agrees to Pay More Than $220M in Deal With Trump Administration to Restore Federal Funding," July 23, 2025; Equal Employment Opportunity Commission, "Largest EEOC Public Settlement in Almost 20 Years: Columbia University Agrees to Pay $21 Million," July 25, 2025, https://www.eeoc.gov/newsroom/largest-eeoc-public-settlement-almost-20-years-columbia-university-agrees-pay-21-million; White House, "Fact Sheet: President Donald J. Trump Secures Major Settlement With Columbia University," July 24, 2025, https://www.whitehouse.gov/fact-sheets/2025/07/fact-sheet-president-donald-j-trump-secures-major-settlement-with-columbia-university/; U.S. Dep't of Education, "Secretary McMahon Statement on Columbia University Deal," July 23, 2025 https://www.ed.gov/about/news/press-release/secretary-mcmahon-statement-columbia-university-deal.
[977] Dorf statement, *Antisemitism Briefing*, p. 6.
[978] Ibid., p. 50.

Following the actions against Columbia University, in March 2025, HHS along with ED and GSA also opened a review of Harvard University as a part of an ongoing effort with Task Force. The announcement stated that the Task Force would review

> the more than $255.6 million in contracts between Harvard University, its affiliates and the Federal Government. The review also includes the more than $8.7 billion in multi-grant commitments to Harvard University and its affiliates to ensure the university is in compliance with federal regulations, including its civil rights responsibilities.[979]

The Notice of Violation, relying heavily on Harvard's own 2025 Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias, expressed concern about a tense campus environment in which some Jewish students reported that they felt uncomfortable or unsafe.[980] For example, the report cited an incident reported by Sarah Silverman, whose mezuzah was torn down and was missing. She testified to the Commission that "seeing it gone wasn't just unsettling, it was absolutely terrifying."[981] She contacted the campus police, and they discovered her mezuzah several doors down and officially classified the incident as a hate crime. Silverman told the Commission that:

> In the weeks that followed, professors and classmates reached out in overwhelming support. Faculty across the university told me I belonged here. Harvard Business School professors even placed mezuzahs openly on their office doors in solidarity. However, I was left with a lingering fear and otherness that in many ways will remain with me the rest of my life. Administrators were kind, but I felt lost. I was not offered the option to move rooms. I could not file a formal administrative report because the perpetrator was not identified.[982]

Silverman testified that HHS had not contacted her regarding this incident despite HHS citing her case as an example of Harvard's deliberate indifference towards antisemitism. She told the Commission that "when decisions are made in your name, without ever speaking to you, but are affecting your academic community in extremely negative ways, you begin to worry that others believe you asked for these actions, that you wanted this withdrawal of science funding. I did not."[983] Silverman explained that "[y]oung scientists, many of them Jewish, were left feeling

---

[979] U.S. Dep't of Education, "ED, HHS, and GSA Initiate Federal Contract and Grant Review of Harvard University," Mar. 31, 2025, https://www.ed.gov/about/news/press-release/ed-hhs-and-gsa-initiate-federal-contract-and-grant-review-of-harvard-university.
[980] U.S. Dep't of Health and Human Services, "Notice of Violation: Harvard University," https://www.hhs.gov/sites/default/files/harvard-title-vi-notice-violation.pdf; for reliance on Harvard's Task Force report, *see* p. 3.
[981] Sarah Silverman, student, Harvard University testimony, *Antisemitism Briefing*, p. 181 [hereinafter Silverman testimony].
[982] Ibid., pp. 182-83.
[983] Ibid., p. 184.

unprotected and uncertain about their futures. Policy described as protecting Jewish students did not make me feel protected. Instead, in a deeply troubling way, I felt blamed."[984] She testified that while she felt that Harvard had not handled her case properly, the university has taken "meaningful steps to improve" their response to addressing antisemitism. Silverman argued:

> [F]ederal oversight is necessary to ensure change . . . but the manner in which pressure was applied and continues to be applied harms students and researchers who are not responsible for these past failures. I ask respectfully, how does destroying and discrediting educational institutions fight antisemitism? It is my understanding that agencies that investigate these concerns ordinarily interview the students involved to understand their experience, with government officials not simply relying on student newspaper articles, which, in my opinion, do not have the same rigor needed when accumulating facts for a proper civil rights report. . .. I stress that policy makers listen to students and address their real experiences in order to go about collaborating with universities to update their hate crime policies in concrete ways.[985]

The Commission heard similar testimony from Tova Kaplan, a senior at Harvard, who testified that she felt uncomfortable and disturbed by what she witnessed on campus. She stated that:

> It felt like, rather than working with Jewish students and faculty to identify the specific changes needed to ensure our safety, the federal government was coming in from the outside to demand sweeping changes to Harvard's culture and governance while using threats that put students, research, and campus stability at risk. That didn't feel like a strategy focused on combatting antisemitism, but it felt like leverage for broader ideological goals. Campus life felt stable and unscary. Friends who had never been politically active before felt that saying the wrong thing might jeopardize their student visas. Other friends worried that their research funding could disappear. At the same time, I'd see federal officials all over the news justifying these measures as a response to campus antisemitism. But as a Jewish student, I knew that this was not what most of us had asked for. And it was painful to see officials invoke our safety to justify actions that harmed our campus community.

In response to the federal actions against Harvard, Tova Kaplan joined 115 Jewish students to submit a letter to the Trump administration which expressed concern that the "Trump administration's . . . crackdown will not protect us" because "using Jewish students to gut federal support for universities does not make us feel seen, valued, or safe." The students insisted that

[984] Ibid.
[985] Ibid., pp. 185-87.

"funding cuts will harm the campus community" while "do[ing] nothing to combat campus antisemitism."[986]

In April 2025, Harvard filed a lawsuit in federal district court seeking injunctive relief to restore federal funding and block further cuts.[987] In June 2025, HHS sent a letter to the university stating it had acted with "deliberate indifference" toward anti-Jewish and anti-Israeli discrimination.[988] Cornell Law School Professor, Michael Dorf argued that the federal government's recent actions against Columbia and Harvard "aim[ed] to control the internal workings [of the universities] to an extraordinary degree."[989] For instance, in the government's letter to Harvard, the administration demanded federal control "of the private university's admissions, hiring, governance, and more."[990] Dorf maintained that these actions against universities, such as freezing and cancelling federal funding, violated federal statutory requirements.[991]

In response, Harvard sent a letter to HHS stating that it rejected OCR's findings that the university had violated Title VI. Harvard argued that the incidents cited by OCR were "isolated, exaggerated, or involved non-Harvard affiliates, including anonymous posts on the third-party app Sidechat. Disruptions such as the pro-Palestine encampment in Harvard Yard in May 2024, [] were temporary, mitigated without concessions to participating activists, and did not block students' access to education."[992] The University also claimed that the data used in the HHS letter citing the violations of Title VI were not valid because they were based upon "uncorroborated narratives" from Harvard's task force, which among others issues contained unverified accounts that had been submitted anonymously or reported secondhand. Additionally, the HHS letter cited data from the university's task force survey to which Harvard claims only a small percentage (2%) of the student body responded (a total of 608 students responded, of which 130 identified as Jewish). The University argued that the data from the survey "[could not] be used as evidence of a legal violation because they represent the views of a small, self-selected fraction of Harvard's entire Jewish community."[993]

---

[986] Open Letter from Harvard Jewish Students, submitted by Tova Kaplan [on file].
[987] Complaint, *President & Fellows of Harvard Coll. v. U.S. Dep't of Health & Hum. Servs.*, No. 1:25-cv-11048 (D. Mass. Apr. 21, 2025).
[988] U.S. Dep't of Health and Human Services, "Notice of Violation: Harvard University."
[989] Dorf statement, *Antisemitism Briefing*, p. 6.
[990] *See President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 94–95 (describing letter's contents); *see also*, Dorf statement, *Antisemitism Briefing*, p. 6.
[991] *See President & Fellows of Harvard Coll.*, 798 F. Supp. 3d at 126 ("It is undisputed that Defendants did not comply with [Title VI's procedural] requirements before issuing the Freeze Orders or Termination Letters."); *see also,* Dorf statement, *Antisemitism Briefing*, p. 6.
[992] Dhruv T. Patel and Saketh Sundar, "Harvard Says Trump Administration Botched Its Antisemitism Findings," *The Harvard Crimson*, Oct. 1, 2025, https://www.thecrimson.com/article/2025/10/1/harvard-responds-to-hhs/; Michael C. Bender, "Harvard Blasts Administration Over 'Distorted' Civil Rights Investigation," *New York Times*, Sept. 30, 2025, https://www.nytimes.com/2025/09/30/us/politics/harvard-response-trump.html.
[993] Dhruv T. Patel and Saketh Sundar, "Harvard Says Trump Administration Botched Its Antisemitism Findings," *The Harvard Crimson*, Oct. 1, 2025, https://www.thecrimson.com/article/2025/10/1/harvard-responds-to-hhs/; *see*

The federal district court issued summary judgment in Harvard's favor in September 2025.[994] The court found that while combatting antisemitism is "indisputably an important and worthy objective," the allegations served as "a smoke screen" for the administration to seek broader ideological demands. The judge in the case stated:

> The idea that fighting antisemitism is [the] Defendants' true aim is belied by the fact that the majority of the demands they are making of Harvard to restore its research funding are directed, on their face, at Harvard's governance, staffing and hiring practices, and admissions policies—all of which have little to do with antisemitism and everything to do with Defendants' power and political views. . . . The First Amendment is important and the right to free speech must be zealously guarded. Free speech has always been a hallmark of our democracy. The Supreme Court itself has recognized that efforts to educate people, change minds, and foster tolerance all benefit from more open communication, not less.[995]

The Court held that the revocation of funds ignored Title VI procedural requirements and violated Harvard's First Amendment rights. Specifically, the administration "retaliated for Harvard's resistance to unlawful demands; they impermissibly conditioned Harvard's eligibility for federal funding on government control of free expression by and at Harvard; and they coerced Harvard to restrict the constitutionally protected speech of its students and faculty."[996] In February 2026, the Trump administration said it was seeking $1 billion from Harvard to settle the investigation[997] but as of the writing of this report, no further actions have been taken.

Other actions taken by the Task Force include the announcement of pausing federal funds to Northwestern University and Cornell University in April 2025.[998] Both universities faced allegations of antisemitic incidents occurring on their campuses and accusations of racial discrimination in their efforts to promote DEI initiatives.[999]

Harvard University, "Presidential Task Force on Combating Antisemitism and Anti-Israeli Bias," Dec. 2025, https://www.harvard.edu/task-force-on-antisemitism/.

[994] *President & Fellows of Harvard Coll.*, 798 F. Supp. 3d 77 (D. Mass. 2025).

[995] *Id.* at 137.

[996] Dorf statement, *Antisemitism Briefing*, p. 7.

[997] *See, e.g.,* Reuters, "Trump Seeks $1 Billion From Harvard in Dispute Over Alleged Campus Antisemitism," *NBC News*, Feb. 3, 2026, https://www.nbcnews.com/politics/trump-administration/trump-harvard-1-billion-antisemitism-diversity-transgender-probes-rcna257221.

[998] Michael C. Bender and Sheryl Gay Stolberg, "Trump Administration Freezes $1 Billion for Cornell and $790 Million for Northwestern, Officials Say," *New York Times*, Apr. 8, 2025, https://www.nytimes.com/2025/04/08/us/politics/cornell-northwestern-university-funds-trump.html. For further discussion of complaints of antisemitism at Cornell University, *see supra* notes 666-671 (discussing Cornell).

[999] Ibid.

Northwestern stated that university officials had not received a formal notice of suspended funds,[1000] suggesting the federal government departed from Title VI enforcement requirements.[1001] Still, the university issued a report detailing the steps it was taking to protect Jewish students on campus.[1002] Some of these steps included new policies and procedures related to ending intimidation and harassment, updates to the university's demonstrations policy, revised student handbook and codes of conduct, as well as mandatory antisemitism training for all students, faculty, and staff.[1003]

The university did receive a letter, however, from the House Committee on Education and Workforce stating its continued investigation of the school's response to antisemitism.[1004] The letter specifically cites that Northwestern's law clinic provided "free legal representation in a civil suit to the organizers of an anti-Israel blockage of highway traffic to Chicago's O'Hare International Airport. . . . While the Community Justice and Civil Rights Clinic's work is troubling, it is only one of numerous Northwestern Law clinics and centers promoting left-wing causes."[1005] In response, the university stated that the legal clinic follows the American Bar Association's standards and represents clients regardless of political views. University spokesperson Jon Yates stated:

> Like law schools across the country, our legal clinic provides experiential learning experience for students and accepts cases ranging across the political and legal spectrum, including this case as well as representing January 6 protesters. Cases that the clinic chooses to take on do not necessarily reflect the views of the university or its law school.[1006]

In November 2025, DOJ, ED, and HHS announced that they had reached an agreement with Northwestern where the university agreed to pay $75 million to the government through November 2028. As part of the agreement, the university also agreed to

> [A]dhere to federal antidiscrimination laws, ensuring that the university does not preference individuals based on race, color, or national origin in admissions, scholarships, hiring, or promotion . . . [and] shall maintain clear policies and procedures relating to

---

[1000] Bender and Stolberg, "Trump Administration Freezes $1 Billion for Cornell and $790 Million for Northwestern.
[1001] *See supra* notes 440-469 (discussing Title VI enforcement procedures).
[1002] Northwestern University, "Progress Report on Northwestern University Efforts to Combat Antisemitism," Aug. 5, 2025, https://www.northwestern.edu/leadership-notes/statements/2025/progress-report-on-northwestern-university-efforts-to-combat-antisemitism.html.
[1003] Ibid.
[1004] Committee on Education and Workforce, Letter to Northwestern University, Mar. 27, 2025, https://edworkforce.house.gov/uploadedfiles/ltr_to_northwestern_3.27.25.pdf.
[1005] Ibid.
[1006] Sara Weissman, "Congress Targets Northwestern Legal Clinics," Apr. 7, 2025, https://www.insidehighered.com/news/government/politics-elections/2025/04/07/northwesterns-legal-clinics-draw-scrutiny-congress.

> demonstrations, protests, displays, and other expressive activities, as well as implement mandatory antisemitism training for all students, faculty, and staff.[1007]

These recent federal enforcement actions, which include the abrupt revocation of funding and demands for schools to make large payments to the federal government, appear to constitute departures from Title VI enforcement requirements.[1008] Because agencies did not respond to the Commission's interrogatories and document requests, and publicly available data on Title VI enforcement efforts is incomplete and outdated,[1009] a fully clear picture of how the federal government proceeded and whether it met all of its legal obligations remains unavailable.

Current Challenges in Federal Civil Rights Enforcement

The preceding sections reveal two overarching conclusions about the federal government's response to campus antisemitism since October 7, 2023. The first concerns the structural and institutional challenges facing the agencies charged with civil rights enforcement; the second concerns the contested legal terrain that has emerged as enforcement has intensified and litigation has proliferated.

First, testimony from the Commission's briefing and available data indicate that federal civil rights enforcement in educational settings continues to face significant structural challenges. Complaints alleging discrimination based on shared ancestry have increased since 2015, and particularly following October 7, 2023, while available data regarding investigations, resolutions, and enforcement outcomes remain incomplete or difficult to verify. Notably, witnesses at the Commission's briefing raised concerns regarding staffing levels and agency capacity, including the ability of federal agencies to monitor compliance with resolution agreements over time given diminished resources. These challenges complicate efforts to assess the overall effectiveness of federal responses to campus antisemitism and to determine whether existing enforcement mechanisms are sufficient to address the scope of reported incidents.

Second, recent enforcement actions and litigation have raised broader questions about how federal civil rights law should be applied in the complex context of higher education. Colleges and universities must balance obligations under Title VI to address discrimination and hostile environments with constitutional protections for free expression and academic freedom. As this report has shown, antisemitic incidents can cause real harm to students, faculty, and staff, and contribute to concerns about campus safety, belonging, and educational access. At the same time, not all antisemitic incidents, offensive expression, or hostile interactions necessarily constitute

---

[1007] U.S. Dep't of Justice, Office of Public Affairs, "The United States Announces Agreement With Northwestern University," Nov. 28, 2025, https://www.justice.gov/opa/pr/united-states-announces-agreement-northwestern-university.
[1008] *See supra* notes 440-469 (discussing Title VI enforcement procedures).
[1009] *See supra* notes 218-219, 886-889(discussing publicly available data on Title VI enforcement).

actionable discrimination under Title VI. Understanding these distinctions remains important for students, colleges and universities, policymakers, and the general public as institutions seek to address antisemitism while protecting constitutional rights and providing robust educational environments.

Federal agencies must continue to provide clear guidance for colleges and universities regarding the requirements of Title VI and ensure that enforcement actions comply with statutory requirements and established procedural safeguards. As the legal disputes described in this chapter continue to unfold, the evolving federal response to campus antisemitism will likely remain a subject of intense and ongoing policy debate, litigation, and institutional reform.

[*This page is intentionally left blank*]

Statement of Vice Chair Victoria Nourse

In times when many say America is hopelessly divided, this report reflects a rare moment of bipartisan cooperation. The United States Civil Rights Commission agreed unanimously to study antisemitism on college campuses, based on a bipartisan congressional request from twenty-three members of Congress.[1010] My thanks and congratulations go out to Commissioner Mondaire Jones and Commissioner Peter Kirsanow and their staffs, along with the commission's all-important career staff, for doing the work to put this hearing and statutory enforcement report together.

Hopefully, the Commission's work sheds light rather than heat on a topic easily capable of incendiary rhetoric. The Commission's report rightly explains the sad truth that antisemitism has an extraordinarily long and sordid history. As a long-time university professor, I am old enough to remember a time when colleges and universities embraced a theory that inflated the educational value of protests and sit ins. Student conduct is not educationally valuable if it prevents other students from learning. All students, of whatever ancestry, whether Jewish or not, deserve university administrators who put education for all first. If there is anything that this episode in American history suggests, it is that universities and colleges renew their mission to teach students to engage in *civil*—emphasis on *civil*—discourse. Students must be taught to be humble enough to recognize that their own views are not privileged by any law or custom, that their opinions may well be entirely wrong however passionately held, and that civil discourse and persuasion require the toughness and resilience to respond to those with whom one disagrees with argument, not exclusion or disruption.

In that spirit, and given the length of the report, it seems important to enunciate that which is clear, and supported by a bipartisan set of witnesses, about the legal landscape we were tasked to explain.[1011]

First, there are some basics about Title VI's protections that need to be remembered, because our investigation focused on Title VI of the Civil Rights Act of 1964[1012] as it applies to colleges and universities receiving federal funds. This statute covers antisemitic conduct because Jews share a national ancestry or racial identity.[1013] But it does not cover religious discrimination. And it only covers student-on-student behavior when a college acts intentionally to cause a

---

[1010] Letter to Chair Rochelle Garza (Sep. 17, 2026) from Reps. Auchincloss, Kiley, Manning, Bacon, Stevens, Goldman, Crenshaw, Williams, Holmes Norton, LaLota, Lopez, Landsman, Frankel, Nickel, Gottheimer, D'Esposito, Lawler, Fitzpatrick, Costa, Bilirakis, Moskowitz, Amo, Schneider.

[1011] I leave to the side here questions about whether the Federal Government's agencies could choose a broader view of antisemitic impact in their enforcement actions under Title VI. The Trump administration has rejected the notion of disparate impact, as opposed to intentional discrimination, as the basis for civil rights liability as a general matter.

[1012] 42 U.S.C. § 2000d.

[1013] On the question of how Jewishness matters under the statute, *see* Benjamin Eidelson & Deborah Hellman, *Anti-Semitism, Anti-Zionism, and Title VI: A Guide for the Perplexed,* 139 HARV. L. REV. F. 1 (2025) (discussing antisemitism claims based on a racially hostile environment).

violation by deliberate indifference to the student behavior.[1014] The university must not only know of the student harassment, they must deliberately ignore it, acting unreasonably to conditions it knows and understands.

To prove harassment itself poses a stiff bar. Conduct does not constitute illegal harassment unless it is so "severe, pervasive, and objectively offensive that it can be said to deprive the victims of access to the educational opportunities or benefits provided by the school."[1015] Lower courts have held that allegations that a university failed to prevent student trespasses, building occupations, and an out of control protest, may together constitute an actionable claim of deliberate indifference to antisemitic student behavior.[1016] On the other hand, other courts have rejected claims that universities are liable for individualized instances of antisemitic behavior (as insufficiently pervasive to be exclusionary) or for speech or protests against Isreal as insufficiently racially motivated.[1017] Finally, all of this has to be distinguished from claims based on religious discrimination.[1018] As Harvard Professor Benjamin Eidelson pointed out, the topic of this hearing was not "free exercise of religion," which is protected by the Constitution, but not by Title VI. As he explained, "Title VI limits discrimination on the basis of 'race, color, or national origin' and notably *not* religion, which stands in contrast to the inclusion of religion in civil rights statutes involving employment discrimination."[1019]

Second, even if Title VI covers student antisemitic behavior and the university is deliberately indifferent to that behavior, the statute alone does not answer the questions universities face because the Constitution protects nonviolent speech of public concern on campus. Pure speech about a political conflict is protected by the First Amendment and cannot be punished by government enforcement of a statute. Even courts sympathetic to claims of antisemitic harassment on campus have recognized that this conflict means that universities must be given breathing room

---

[1014] *Davis v. Monroe County Bd. of Educ.*, 526 U.S. 629 (1999) (upholding a cause of action against state school for student-on-student sexual harassment); *see Gartenberg v. Cooper Union for the Advancement of Science and Art*, 765 F. Supp. 3d 245 (S.D.N.Y. 2025) (a Title VI harassment claim based on antisemitic actions in which the court applied the *Davis* deliberate indifference standard).

[1015] *Davis*, 526 U.S. at 650.

[1016] *Gartenberg*, 765 F. Supp. 3d 245 (denying university's motion to dismiss a Title VI harassment claim based on antisemitic actions).

[1017] *StandWithUs Ctr. for Legal Justice v. Mass Inst. of Tech.*, 158 F.4th 1 (1st Cir. 2025), *reh'g denied*, 165 F. 4th 97 (1st Cir. 2026), *petition for certiorari filed* (No. 25-1404 (U.S. June 18, 2026)).

[1018] *Frankel v. Regents of the Univ. of Cal.*, 744 F. Supp. 3d 1015 (C.D. Cal. 2024) (opinion denying motion to dismiss complaint based on unconstitutional religious antisemitic discrimination by a state school under the Fourteenth Amendment). The claims of the UCLA law students were based on their "free exercise" rights, which arise under the Fourteenth Amendment which applies to state, but not private, universities.

[1019] Benjamin Eidelson, Professor of Law and Affiliate Professor of Philosophy at Harvard Law School, written statement for *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response*, Briefing Before the U.S. Commission on Civil Rights, Washington, D.C., Feb. 19, 2026, at 4. "When he was asked why religion was omitted, the Chairman of the House Judiciary Committee explained that religious discrimination posed more complicated questions and that 'rather than risk getting into [that] thicket[,] . . . it was left out.'" *Ibid.* (quoting 110 Cong. Rec. 1528 (1964) (statement of Rep. Celler)). Given the existence of religious universities, like my own, Georgetown University, it is not too hard to determine why there was no explicit reference to religion in Title VI.

when dealing with protected political speech on campus. As one court explained it, "the need to avoid a collision between Title VI and the First Amendment counsels in favor of an even more limited application of the already strict deliberate indifference standard."[1020]

Our panelists concurred in the importance of the First Amendment values in considering cases of racial harassment: as Cornell Law School professor Michael Dorf explained, "[c]olleges and universities must navigate between the demands of the First Amendment and federal civil rights statutes…"[1021] As University of Chicago professor Genevieve Lakier testified, "Title VI, like the other federal civil rights laws, must be interpreted in light of the First Amendment."[1022] Stanford Fellow and Emeritus Professor Eugene Volokh put it bluntly: There is no First Amendment exception for 'hate speech,'" and even "'[s]peech that demeans on the basis of race'" is therefore protected against government censorship, however hateful it may seem.[1023] That sentiment was recently echoed by Scalia Law School's Professor David E. Bernstein, in a recent article detailing on-campus anti-Jewish violence, where he "generally concur[ed] that the First Amendment bars university students from basing hostile-environment claims on the ideological content of political speech they might also encounter on a street corner off-campus."[1024]

Finally, it is also important to recognize that the First Amendment is not an excuse for violence, encampments, or disruptive behavior on campus.[1025] The Amendment protects speech, not conduct. However fuzzy that line may be in some cases, the Supreme Court has never endorsed the idea that disruptive conduct on campus is protected by the First Amendment. In fact, the Court has traditionally refused to protect "fighting words," meant to incite violence.[1026] Moreover, as Professors Suzanne Goldberg and Olatunde Johnson explain, "there is a wide variety of vandalism, graffiti, and protest activity [including violence] that universities can prohibit using content-neutral rules" that are fully consistent with the First Amendment.[1027]

[1020] *Gartenberg*, 765 F. Supp. 3d at 269.
[1021] Michael Dorf, Professor of Law at Cornell Law School, written statement for *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response,* Briefing Before the U.S. Commission on Civil Rights, Washington, D.C., Feb. 19, 2026, at 3.
[1022] Genevieve Lakier, Professor of Law at the University of Chicago Law School, written statement for *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response,* Briefing Before the U.S. Commission on Civil Rights, Washington, D.C., Feb. 19, 2026, at 1.
[1023] Eugene Volokh, Thomas M. Siebel Senior Fellow at the Hoover Institution and Professor Emeritus at UCLA School of Law, written statement for *Antisemitism on America's College and University Campuses: Current Conditions and the Federal Response,* Briefing Before the U.S. Commission on Civil Rights, Washington, D.C., Feb. 19, 2026, at 1 (quoting *Matal v. Tam*, 582 U.S. 218, 246 (2017)).
[1024] David E. Bernstein, *Title VI Hostile Environment Law in the Shadow of Antisemitic Violence*, 6 J. FREE SPEECH L. 1007, 1037 (2026).
[1025] *Id*. at 1012-22 (outlining list of actual violence against Jewish students at various campuses).
[1026] *Chaplinsky v. New Hampshire,* 315 U.S. 568 (1942); see *RAV v. City of St. Paul*, 505 U.S. 377, 386 (1992) ("In other words, the exclusion of 'fighting words' from the scope of the First Amendment simply means that, for purposes of that Amendment, the unprotected features of the words are, despite their verbal character, essentially a 'nonspeech' element of communication.")
[1027] Suzanne B. Goldberg & Olatunde C.A. Johnson, *Campus Crises and the Limits of Title VI*, 126 COLUM. L. REV. F. 1 (2026). They are referring, for example, to rules about the time, place and manner of speech that do not refer to the content of that speech.

Third, having outlined agreed-upon principles, I recognize that there remain questions that the federal courts have not finally addressed about the relationship between Title VI and the First Amendment. For example, harassment claims are often proven by including speech to prove discriminatory animus, but questions remain about whether protected speech must be eliminated from the analysis at the start and whether certain kinds of derogatory speech (*e.g.* anti-Zionist speech) may constitute proof of racial animus.[1028] Similarly, there remain questions about whether it must be shown, under Title VI, that the harasser has a "subjective" motive to discriminate which has generated a split among the federal courts of appeals. [1029] Litigation remains ongoing on these topics.

In conclusion, my firm hope is that these principles will help members of Congress and the American public come to a reasonable, bipartisan consensus about Title VI and the broader mission of creating environments of toleration and mutual respect on American college and university campuses. However passionately we may disagree about issues of domestic and foreign policy, let us at least come together in our appreciation of the civil rights that all Americans share equally, and remember that these protections—and this report—echo this spirit of unity.

[1028] *StandWithUs,* 165 F.4th at 98. (Dunlap J., concurring in the denial of rehearing, arguing that it was unnecessary for the court to reach the question whether anti-Zionist speech could constitute antisemitism under Title VI, because of the court's holding that there were insufficient allegations of the university's deliberate indifference to a pervasive behavior); *see also* Brief of Amicus Curiae Professor David E. Bernstein in Support of Petitioners, *StandWithUs Ctr. for Legal Justice. v. Mass. Inst. of Tech*., No. 25-1404 (U.S. July 22, 2026).

[1029] In the MIT case, *StandWithUs*, *supra* note 8, a petition for certiorari addressing these questions was filed on June 18, 2026, after this report was drafted by the Commission's professional staff. *Petition for a Writ of Certiorari, StandWithUs,* No. 25-1404 (U.S. June 18, 2026).

Statement of Commissioner J. Christian Adams

The most important question about campus antisemitism may be where it is *not* happening.

Harvard, Columbia, and other supposedly elite universities have become nationally notorious for antisemitic disorder. Large Southern universities have not produced the same pattern. The report describes the disorder at length but never seriously asks what about elite university culture incubates antisemitism—or what about Southern schools guards against it. I asked that question at the Commission's briefing. Harvard student Sarah Silverman suggested that Southern schools may have fewer Jewish students, pointing to Mississippi State.

Buzzer. Wrong.

Hillel ranks the University of Florida first among public universities by Jewish undergraduate population, with approximately 6,500 Jewish undergraduates. UCF ranks third, with approximately 6,300. Virginia Tech ranks within the top 30, with approximately 2,500. Auburn's former basketball coach and current athletics ambassador, Bruce Pearl, is one of the most prominent Jewish figures in college athletics. Jewish students are plainly present at large Southern universities. The report should have examined why those schools have generally avoided the antisemitic disorder found at institutions that routinely congratulate themselves for their enlightenment.

Perhaps leadership matters. Perhaps institutional culture matters. Perhaps ideological conformity matters. The report does not seriously ask.

The report also fails to adopt a clear definition of antisemitism or identify the standard that should guide Title VI enforcement. It discusses the *IHRA Working Definition* and the *Nexus Document* and mentions the *Jerusalem Declaration*, but declines to choose among them. That is not definitional clarity. It is a menu.

Such omission has practical consequences. Florida has codified an IHRA-based definition in state law. New York has endorsed IHRA through a non-binding gubernatorial proclamation but has not enacted a comparable statewide statute. Universities are no more consistent. Some adopt IHRA; Cornell has adopted no single definition; other schools fold antisemitism into general policies covering religion, national origin, or shared ancestry. The result is a patchwork in which the same conduct may be described, investigated, or punished differently depending on the state or campus. The report identifies the competing definitions but offers no federal baseline for Title VI enforcement.

Worse, the report takes a partisan detour. On page 36, it announces that "Republicans are significantly more likely than Democrats to conflate attitudes toward Israel with attitudes toward Jewish people." For support, it relies in part on *Good Authority*, a public commentary website rather than a peer-reviewed journal or government research body. See footnotes 159–160. Its name may be reassuring. Its use as authority in a federal civil-rights report is less so.

The report does not explain why elite universities have become centers of campus antisemitism. It does not provide a governing definition. It does, however, find room to blame Republicans.

Statement of Commissioner Mondaire Jones

Antisemitism is the oldest bigotry in the world, and it has not gone away. In the days and months following the deadly terrorist attack against Israel by Hamas on October 7, 2023, antisemitism reached a fever pitch—not just in the United States, but across the world. This was most obvious on America's college and university campuses.

As perhaps the last federal civil rights agency still intact under the second presidency of Donald J. Trump, it is emphatically the role of this Commission to evaluate whether, and how, the Executive Branch has responded to claims of antisemitism at our nation's higher education institutions. The civil rights of Jewish students, faculty, administrators, and staff must be protected, and every Jewish person deserves to feel safe.

This historic report, The Federal Response to Antisemitism on American College and University Campuses, is the culmination of a thorough, bipartisan investigation led by me and Commissioner Peter Kirsanow. Its unanimous adoption and publication comes at a time of significant and ongoing national discourse surrounding the tension between Title VI[1030] protections against antisemitic discrimination, First Amendment expression, and academic freedom at institutions of higher education. As colleges and universities experienced an increase in reports of antisemitism on their campuses after October 7th, these institutions were faced with the challenge of balancing civil rights protections for Jewish students, faculty, administrators, and staff with constitutionally protected protest activity and longstanding institutional commitments to academic inquiry and debate.

Among the report's many contributions to the literature on Title VI enforcement against antisemitic discrimination, this Commission is the first federal agency to hear and publish testimony on the radical changes that have taken place under this administration from former high-ranking officials who specialized in Title VI enforcement at the Departments of Education and Justice.

I am proud that our report centers the voices of Jewish students. Although their experiences varied across campuses, the Commission heard a common theme: the federal government had purported to act on behalf of Jewish students without first asking impacted Jewish students how the government could address their needs. As Sarah Silverman, a student at Harvard College, testified:

> I read headlines about my school being discussed in sweeping terms with little outreach to students like me. I did not appreciate people speaking for me and not to me, commenting on my institution and whether Jewish students should continue to attend when they did not know what it's like to be a Jewish student at Harvard.[1031]

[1030] This refers to Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d.
[1031] Sarah Silverman, Written Statement, p. 4.

Likewise, Tova Kaplan, also a student at Harvard College, testified:

> It felt like rather than working with Jewish students and faculty to identify the specific changes needed to ensure our safety, the federal government was coming in from the outside to demand sweeping changes to Harvard's culture and governance while using threats that put students, research, and campus stability at risk. That didn't feel like a strategy focused on combatting antisemitism, but felt like leverage for broader ideological goals.[1032]

To be sure, effectively combatting antisemitism on America's college and university campuses is no easy task. The academy has always been a place where free speech is encouraged and exercised, including spirited and even offensive protest. But the period following October 7 was different. There was an unprecedented antisemitic animus displayed on many of these campuses, and a concomitant spike in Title VI complaints. Perhaps predictably, higher education institutions struggled to respond. As colleges and universities throughout the country garnered unflattering media attention for campus protests and antisemitic harassment, the safety of Jewish students and faculty, in particular, became salient. Congress, the Executive Branch, civil society organizations, and individual members of the public began demanding answers. It also became clear that the Trump administration would approach the project of combating antisemitism differently than all prior presidential administrations of either major political party. Thus, the need for the Commission to study the federal response to antisemitism on America's college and university campuses, as well as the various responses of the higher education institutions themselves, became paramount.

Balancing constitutionally protected free speech with Title VI's statutory prohibitions is inherently a challenging, fact-specific task. This difficulty is exacerbated in higher education settings where academic discussion, freedom of thought, and a commitment to learning are core institutional values. As such, beyond evaluating the federal response to antisemitism at higher education institutions, and the responses of these colleges and universities themselves, one purpose of this report is to educate Congress, the Executive Branch, and the public regarding how Title VI can lawfully be enforced.

This bipartisan report reviews the actions of the Departments of Education, Justice, and Health and Human Services, as well as a sample of nine universities throughout the country (modestly) intended to reflect a cross-section of the universe of higher education institutions in the United States.

As of the adoption of the Commission's report, none of these departments of the federal government have answered any of the Commission's interrogatories or document requests, despite repeated follow up requests by Commission staff and—most importantly—their respective statutory obligations to comply with our reasonable discovery requests. The sample universities, however, did comply. Accordingly, with its investigation and report, the Commission has achieved

---

[1032] Tova Kaplan, *Antisemitism Briefing* Testimony, p. 182.

the additional goal of providing one of the first detailed federal examinations of university processes and procedures for addressing campus antisemitism following October 7, 2023.

A Reduction in Resources

In the context of Title VI, discrimination against a Jewish student is covered by Title VI if—and only if—that discrimination is based on the student's "race" or "national origin," sometimes referred to as "shared ancestry." Title VI explicitly does not cover religion.

Historically, OCR has been responsible for conducting complaint investigations and seeking resolutions with colleges and universities. This work requires substantial staffing as well as personnel with specialized expertise developed over many years. Under the second Trump administration, there has been an increase in caseloads alongside a sizable reduction in staff and regional office closures. However, under the Biden administration, OCR was also understaffed. Presently, OCR staff have caseloads four times greater than what is recommended. Thus, OCR has a vastly diminished capacity to investigate claims of antisemitism and monitor institutional compliance with voluntary resolution agreements.

Between 2015 and 2025, discrimination complaints sent to OCR increased nearly 120%, from 10,392 to 22,687. Staffing levels, however, only increased from approximately 540 investigators to 600 investigators, or 11%. According to testimony from a former OCR Enforcement Director, OCR regional leadership determined that in order to conduct a thorough investigation and meet OCR's statutory obligation to provide effective responses to every complaint, each staff person "would optimally carry no more than 13 to 15 active complaints at one time." At the end of 2024, however, the average number of cases carried by OCR staff was about 25, with many regional offices having staff handle more than 50 active cases at a time.

Throughout our investigation, experts emphasized voluntary resolution agreements as historically the primary and preferable mechanism for resolving Title VI complaints found to have merit. These agreements treat higher education institutions as cooperating partners in meaningful change, making oversight a work in progress, not a punitive action. By contrast, funding terminations not only defund programs or activities found in violation of Title VI but also eliminate funding for a wide range of beneficiaries who had no part in the illegality. Congress' stated intent with Title VI enforcement, as well as statements by the U.S. Supreme Court, reinforce the importance of limiting funding termination to the offending program or activity at issue, and of using funding termination as a last resort enforcement measure.

Precise data on Title VI campus antisemitism cases opened and resolved by OCR are not publicly available, which is a departure by the Trump administration from the traditional practice of regularly updating ED's website. This lack of transparency is also the case for DOJ and HHS.

How Higher Education Institutions Responded

In the United States, white nationalism and antisemitism had already been on the rise since 2016, but after October 7, 2023, college and university campuses experienced a notable spike in reports of antisemitic incidents. Our investigation found that all nine sample universities have procedures and support systems in place when a Title VI complaint is received, even if we found that their responses to Title VI complaints varied significantly. For example, all sample universities have campus resources designed to ensure Jewish students feel a sense of belonging. These resources vary and include Jewish organizations, fraternities and sororities, religious services, and kosher dining options. Further, all sample universities have chapters of national Jewish organizations, such as Hillel. Many also have their own campus-specific organizations, special events, courses, and religious coalitions.

Our report found that across all sample universities, there were inconsistent reporting and insufficient data systems to fully assess the scope of the problem of antisemitism. Above all, the universities were unsure of when conduct could properly be classified as illegal discrimination versus when it was protected political speech under the First Amendment. In response, many universities partnered with Jewish organizations to study the issue of antisemitism on their campuses. Some of their approaches were informal, like community meetings, and some were official, such as the creation of taskforces. In light of their findings, many sample universities adjusted their Title VI procedures. It was also common for universities to amend their freedom of expression policies, particularly time, place, and manner restrictions.

Legal experts explained to the Commission that Title VI protects individuals from discrimination on the basis of "race, color, or national origin." It notably does not cover religion. There is broad agreement that discrimination against a Jewish student is covered by Title VI if—and only if—that discrimination is based on the student's "race" or "national origin," with the latter synonymous with the term "shared ancestry." Experts further explained that Title VI complaints are generally handled on a case-by-case basis by the relevant federal department. Historically, Department of Education Office for Civil Rights (OCR) has been the primary federal office responsible for college and university complaints and investigations.

Experts emphasized that OCR is best suited to resolve Title VI complaints because of the expertise of its staff, the relationships it has cultivated with universities over time through long-term monitoring, and the ample procedures OCR has in place. However, recent changes under the Trump administration such as OCR's sizable reduction in labor force, funding cuts to the office, and a transfer of most of its Title VI responsibilities to DOJ have hampered OCR's ability to effectively investigate and resolve Title VI complaints, including complaints of antisemitism.

Application of Title VI to campus protest environments is new and potentially not an ideal legal vehicle for enforcement, as Title VI was intended for circumstances outside of higher education. In higher education, there can be a collision between free expression and academic liberty on one hand, and legal protections against discrimination on the other. The difficulty in differentiating between protected and discriminatory speech lies in that Title VI itself does not explicitly

differentiate between constitutionally protected conduct (like speech) from forms of mistreatment (such as harassment or violence) that might be inflicted on someone by reason of a protected characteristic. Further, the U.S. Supreme Court has yet to settle the relationship between speech protected by the First Amendment and Title VI nondiscrimination law. However, recently federal district and circuit courts have recognized that the statute may need to be construed more narrowly in such cases in order to avoid collision. They have also reiterated that the First Amendment does not allow the government to pressure private institutions into censorship, and emphasized the importance of "defer[ing] to college decisions to err on the side of academic freedom" when expression on matters of public concern is at stake.[1033]

The Federal Response

In February 2025, President Trump issued Executive Order 14188, which formed a multi-agency[1034] Task Force to Combat Anti-Semitism consisting of representatives from ED, DOJ, and HHS. The Task Force is responsible for investigating allegations of discrimination on college and university campuses. It marks a recent move to centralize coordination of Title VI campus antisemitism cases within DOJ. To the extent they exist at all, procedures for how the Task Force is to conduct its investigations and complaint resolutions have not been published. In the meantime, the Task Force has escalated its enforcement efforts to the historically rare and last resort measure of funding termination within shorter timeframes than has historically been the case.

The Administrative Procedure Act (APA) is the federal statute under which courts have determined that administrative agencies have at times failed to adhere to Title VI procedural requirements. The APA applies to all Executive Branch and independent agencies, and prescribes procedures for agency rulemakings and adjudications, as well as standards for judicial review of final agency actions. Departments and agencies are legally obligated to adhere to statutory and regulatory procedures; failure to do so is unlawful. Courts may determine agency actions to be unlawful if they are "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right" or "without observance of procedure required by law."[1035]

Historically, in seeking compliance from an institution, OCR almost always uses voluntarily negotiated resolution agreements. In the rare case in which voluntary compliance cannot be achieved, OCR may initiate an enforcement action or refer the case to DOJ. Our investigation found that the federal government had a civil rights process in place for responding to Title VI complaints and violations that included: investigating the complaints, entering into voluntary

---

[1033] *Gartenberg v. Cooper Union for the Advancement of Sci. & Art.*, 765 F. Supp. 3d 245, 267 (S.D. N.Y. 2025) (quoting *Rodriguez v. Maricopa Cnty. Cmty. Coll. Dist*., 605 F.3d 703, 708-09 (9th Cir. 2010)); *see also StandWithUs Center for Legal Justice v. Massachusetts Institute of Technology*, No. 24 Civ. 10577 (RGS), 2024 WL 3596916 (D. Mass. July 30, 2024).
[1034] As in the underlying report, the term "agency" is used interchangeably with "department."
[1035] Congressional Research Service, "Judicial Review Under the Administrative Procedure Act (APA)," LSB10558, Sep 16, 2024, p. 2, https://www.congress.gov/crs-product/LSB10558.

resolution agreements when appropriate, monitoring compliance, and, in cases of repeated unsuccessful compliance, an escalation in enforcement procedures, including possible funding termination of programs and activities found to be in violation or referral to another department, most often DOJ.

These procedures changed under the second Trump administration. Although DOJ's traditional enforcement method is litigation, recent investigations have resulted in settlement agreements whereby higher education institutions pay the federal government millions of dollars. Moreover, despite the fact that Congress legislated funding termination explicitly to be an enforcement mechanism of last resort, it has been used by DOJ relatively frequently, and within a shorter timeframe than what the statutory process for funding termination outlines. Federal courts have determined that this failure to adhere to the procedural steps required by Title VI and the Administrative Procedures Act constitute violations of federal law. Legal experts from our briefing emphasized that the monetary penalties sought by the federal government are not authorized by any existing civil rights statutes, and they made note that courts have held the same.

Student panelists expressed that such punitive actions against their universities did not reflect what Jewish students wanted, and that the actions of the federal government did not make them feel protected or more included. Ms. Kaplan stated, "Using Jewish students as a pretext to cut federal support for universities, limit student speech, or target international students doesn't make us feel safe, it makes us feel instrumentalized, it turns us into symbols in someone else's political fight."[1036] Ms. Kaplan elaborated:

> There was real fear on my campus. Friends who had never been politically active were afraid that saying the wrong thing could jeopardize their visas as international students. Others worried their research funding could disappear. At the same time, I'd see federal government officials all over the news, justifying these measures as a response to antisemitism. But as a Jewish student, I knew this was not what most of us had asked for. It was painful to see people invoke our safety to justify actions that harmed our own campus community and the people in it. . . . When people see their school suffer and are told it is because of antisemitism, even if Jewish students don't have input, it can breed resentment and misunderstanding toward Jewish students. And, when others are speaking for us, it makes it harder for our own voices to be heard.[1037]

Similarly, Ms. Silverman asked, "How does destroying and discrediting educational institutions fight antisemitism? How does cutting crucial scientific research grants make students feel safer or like we belong? Why was I not interviewed before my experience was used in a federal civil rights report?"[1038]

[1036] Tova Kaplan, *Antisemitism Briefing* Testimony, p. 18.
[1037] Tova Kaplan, Written Statement, p. 2-4.
[1038] Sarah Silverman, *Antisemitism Briefing* Testimony, p. 182.

For its part, HHS' Office for Civil Rights appears to have taken on a broader Title VI enforcement role under the current Trump administration than in prior administrations, particularly with respect to the Notice of Violations issued to Columbia and Harvard Universities, which were not limited to health care education-related alleged violations. Information on HHS' involvement in Title VI investigations and enforcement beyond its membership in the Task Force is limited.

Meanwhile, DOJ has not published specific data on its Title VI investigations, so the Commission was unable to learn at what stages investigations were resolved, and through what mechanisms. This lack of transparency, combined with DOJ's refusal to honor its statutory obligation to answer the Commission's discovery requests, harms the public interest in discerning whether the Executive Branch is faithfully enforcing Title VI.

Recommendations

Based on the Commission's findings contained in this report, in this section, I make several recommendations to Congress and the Executive Branch in order to improve the federal government's response to antisemitism on American college and university campuses.

Congressional Action

Congress should adequately fund OCR and use every tool at its disposal to ensure President Trump makes use of the existing funds that Congress has appropriated to reverse the office's massive staff reductions and regional office closures since 2025. Congress should further exercise its oversight powers to review the legality of the Trump administration's use of Title VI-based funding terminations. Moreover, Congress should work to ensure departments and agencies regularly report comprehensive, up-to-date data on open and resolved investigations to the public. Finally, Congress should exercise its oversight authorities to compel the Executive Branch's compliance with 42 U.S.C. § 1975b(e), providing that "All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties." ED, DOJ, and HHS are in active violation of this statute through their ongoing refusal to answer the Commission's discovery requests in this investigation.

Executive Branch Action

The Trump administration should reverse its reduction in staff at OCR and reopen the regional offices it closed. OCR, DOJ, and HHS should improve the transparency of their Title VI enforcement operations by returning to the standard practice of regularly publishing comprehensive data about their Title VI cases, such as when a case is opened, under investigation, and resolved. Moreover, the departments should publish their policies and procedures so that higher education institutions know both their obligations and rights, and can discern whether the federal departments are following their own policies in the course of Title VI investigations and enforcement measures. To complement this information, the departments should provide flexible guidance and support for innovative approaches to preventing antisemitic discrimination, recognizing that because of the diversity of higher education institutions, policies and practices are

most effective when they are campus-specific. Further, the departments should return to the longstanding practice of using funding termination as a last resort enforcement measure in order to avoid unnecessary and perhaps unintended harm to programs and students having no relation to the Title VI violation. In general, the departments should conduct investigations with the goals of improving compliance with Title VI, improving educational environments, and being a partner and guide for academic institutions. Finally, OCR, DOJ, and HHS should comply with 42 U.S.C. § 1975b(e), requiring that "All Federal agencies shall cooperate fully with the Commission to the end that it may effectively carry out its functions and duties." ED, DOJ, and HHS are in active violation of this statute through their ongoing refusal to answer the Commission's discovery requests in this investigation.

Statement of Commissioner Glenn D. Magpantay

I would like to extend my gratitude and congratulations to Commissioners Mondaire Jones and Peter Kirsanow for their leadership on the U.S. Commission on Civil Rights' 2026 Statutory Enforcement Report, *The Federal Response to Antisemitism on American College and University Campuses*.

Antisemitism Across the Nation

Antisemitism is rising across the country. While this report examines its development across college and university campuses, antisemitism is not confined to educational institutions. Antisemitism is on the rise in the everyday lives of Jewish Americans in the United States. Antisemitic incidents are occurring in the workplace, parks, grocery stores, places of worship and on the streets of our neighborhoods.

A 2025 survey by the Anti-Defamation League (ADL) found that the settings where antisemitism most commonly occurs are online and in public spaces.[1039] Educational institutions were identified as the third most prevalent location followed by high rates of antisemitism near a Jewish institution, in an employment or work context, and even near homes.

In 2025, the American Jewish Committee (AJC) found that 73% of American Jews experienced antisemitism online, citing examples of seeing or hearing it on Facebook, X, YouTube, Instagram, and TikTok.[1040] A survey also found that Jewish adults feel increasingly uncomfortable or unsafe because of their Jewish identity.[1041] There should be zero tolerance for antisemitism and we should not assume that this issue is only happening on college and university campuses. We must address Antisemitism across America.

Rise in Religious Discrimination

In addition to the rise of antisemitism across all facets of American life, religious discrimination against other minority faiths is increasing as well.[1042] In 2023, the Council on American Islamic Relations (CAIR) reported a "substantial rise in reports against those who identify as Muslim, including assaults, threats of bodily injury, intimidation, harassment, and workplace discrimination."[1043] In 2024, CAIR surveyed 720 California college students and reported that,

---

[1039] Center for Antisemitism Research, *Portrait of Antisemitic Experiences in the U.S., 2024-2025*, Anti-Defamation League (Oct. 6, 2025), https://www.adl.org/resources/report/portrait-antisemitic-experiences-us-2024-2025.
[1040] *The State of Antisemitism in America*, American Jewish Committee (2025), https://www.ajc.org/sites/default/files/pdf/2026-04/SOAR2025-Social-Media-Report_v9-DIGITAL.pdf.
[1041] *What to Know About Antisemitism in the Workplace*, American Jewish Committee (Feb. 15, 2024), https://www.ajc.org/news/what-to-know-about-antisemitism-in-the-workplace.
[1042] Samirah Majumdar & Vivian Jacobs, *Harassment of religious groups around the world in 2023*, Pew Research Cener (Jun. 15, 2026), https://www.pewresearch.org/religion/2026/06/15/harassment-of-religious-groups-around-the-world-in-2023/.
[1043] *Changes in Religious Discrimination after 10/7/2023 for Students Seeking College Counseling Services*, Center for Collegiate Mental Health, Pennsylvania State University (Oct. 28, 2024),

"one out of every two students reported facing harassment or discrimination on campus because of their Muslim identity."[1044]

The Commission received public comments for this report, including one from Saigeldeep Ghotra, a student at the University of California, Berkeley, who observed that the rise in antisemitic incidents has been matched by a parallel rise in Islamophobia and anti-Muslim hate.[1045] Ms. Ghotra's comment shared several reported incidents targeting Jewish and Muslim students:

- **University of California, Los Angeles**:
  - It was reported that a student stepped on the Quran, tore out its pages, and flushed them down the toilet
  - Jewish faculty and students reported being unable to access the main campus, facing threats of assault, or feeling pressured to take leave to avoid the hostile environment
- **Columbia University**:
  - Muslim students reported being victims of assault, verbal harassment, stalking, and doxxing
  - Jewish students reported 19 months of disrupted education and safety, compounded by a lack of adequate reporting infrastructure since summer 2024
- **Cornell University:**
  - A Muslim student wearing a hijab was deliberately targeted and spat on
  - Jewish students reported feeling isolated amid political rhetoric surrounding October 7
- **Rutgers University:**
  - A Jewish instructor reported threats of violence against both Jewish and Muslim students, as well as anti-Jewish language at protests
  - Muslim students reported incidents ranging from harassment to property destruction
  - During Eid al-Fitr, the Center for Islamic Life was vandalized in an apparent anti-Muslim act, with broken windows, damaged televisions, printers, and artwork, and a stolen Palestinian flag
- **Vanderbilt University:**
  - A professor is being investigated for antisemitic language during lectures

---

https://ccmh.psu.edu/index.php?option=com_dailyplanetblog&view=entry&category=new-findings&id=55:changes-in-religious-discrimination-after-10-7-2023-for-students-seeking-college-counseling-services.

[1044] 2024 Campus Climate Report, *Examining Islamophobia on California College Campuses*, Center on American Islamic Relations (Nov. 20, 2024), https://ca.cair.com/news/islamophobia-harassment-skyrocketing-on-californias-college-campuses-report-reveals/.

[1045] Saigeldeep Ghotra, Public Comment on *The Federal Response to Antisemitism on American College and University Campuses*, U.S. Comm'n on Civil Rights (Mar. 20, 2026).

  - Muslim students reported being called terrorists and faced harassment at campus events
- **University of Minnesota:**
  - A student reported having hot coffee thrown at them because of their Jewish identity
  - A Muslim student reported having paper thrown at her calling her a "disgrace to women"; other Muslim students reported being called terrorists[1046]

Sikh students also continue to experience religious discrimination on college and university campuses. In 2024, Sikhs were the third most-targeted religious group in hate crimes nationwide, behind Jewish and Muslim communities.[1047]

Addressing Antisemitism by the Education Department

This surge in hate crimes and discrimination against religious minorities makes one urgently question: where will these students turn for help, now that the Trump Administration is dismantling the very agency and civil rights offices built to protect them?[1048]

On March 20, 2025, the Administration issued Executive Order 14242, directing the closure of the Department of Education.[1049] This closure takes the Department's Office for Civil Rights (OCR) down with it, stripping students of one of their only avenues for redress when they face religious discrimination on campus. The American Civil Liberties Union (ACLU) reported that the Department has already terminated all staff in seven of its 12 OCR regional offices, gutting the office's ability to investigate, intervene, and resolve discrimination cases.[1050]

Columbia University shows what this hollowing out looks like in practice. Palestinian, Arab, and Muslim students first turned to OCR in 2024, filing a Title VI complaint over Islamophobic discrimination and harassment they say the university ignored.[1051] With that avenue effectively closed, they turned to the courts instead, filing suit in February 2025[1052] and again in August

---

[1046] *Id*.
[1047] *Sikhs Remain Third-Most Targeted Religious Group in Latest FBI Hate Crime Data*, The Sikh Coalition (Aug. 6, 2025), https://www.sikhcoalition.org/blog/2025/sikhs-remain-third-most-targeted-religious-group-in-latest-fbi-hate-crime-data-2/.
[1048] *See Discrimination Based on Shared Ancestry or Ethnic Characteristic*s, U.S. Dep't of Educ. (Jan. 12, 2026), https://www.ed.gov/laws-and-policy/civil-rights-laws/title-vi/title-vi-key-issues/discrimination-based-shared-ancestry-or-ethnic-characteristics (noting that although Title VI does not name religion outright, OCR has for two decades used its shared ancestry authority to investigate discrimination against students perceived to be Jewish, Muslim, Sikh, and other faith-linked identities).
[1049] Exec. Order No. 14242, 90 Fed. Reg. 13679 (Mar. 20, 2025).
[1050] Ricardo Mimbela & Deirdre Schifeling, *Trump's Department of Education Attack Explained*, ACLU (Mar. 14, 2025), https://www.aclu.org/news/racial-justice/trumps-attack-on-the-department-of-education-explained.
[1051] Alicia Victoria Lozano & Melissa Chan, *Jewish and pro-Palestinian students at Columbia University accuse school officials of discrimination in competing complaints*, *NBC News* (Apr. 29, 2024) https://www.nbcnews.com/news/us-news/jewish-palestinian-students-columbia-university-accuse-school-official-rcna148995.
[1052] *Curran-Groome v. Columbia University*, No. 1:25-cv-01606 (S.D.N.Y. filed Feb. 25, 2025).

2026.[1053] Litigation should be a last resort, not the only resort. But for students facing religious discrimination, it is quickly becoming the only one left—an option unavailable to those without the resources to sue.

The rise in religious persecution facing minority faith students demands a response, not a retreat. I urge the President to rescind the closure of the Department of Education and to reestablish its Office for Civil Rights regional offices.

As a nation, we must address the rise of antisemitism across the country, we must recognize the rise of both antisemitism and anti-Muslim hate on college and university campuses, and the Administration and Congress must restore staffing and funding for the Office of Civil Rights at the U.S. Department of Education to address these issues and enforce the law.

[1053] Kanishka Singh, *Palestinian students and staff sue Columbia University alleging discrimination*, Reuters (Aug. 12, 2026), https://www.reuters.com/legal/government/palestinian-students-staff-sue-columbia-university-alleging-discrimination-2026-08-12/.

Rebuttal of Commissioner J. Christian Adams

Vice Chair Nourse echoes something I made in my statement: federal courts are split on what counts as unlawful antisemitism. Don't expect that to change. The Commission's report itself calls on federal agencies to provide "clear guidance" on Title VI's procedural requirements. But it fails to urge a single governing definition of antisemitism that institutions can follow. We heard testimony about what standard should be adopted, and the final report should have chosen sides.

U.S. COMMISSION ON CIVIL RIGHTS

Washington, DC 20425
Official Business
Penalty for Private Use $300
Visit us on the Web: www.usccr.gov