



SPECIAL REPORT FOR DEFEND JERUSALEM 2024



The Deep Six: Title VI of the U.S. Education Code and the Failure to Address the Crisis of Runaway Antisemitism on American Campuses



INTRODUCTION

Antisemitism has surged alarmingly across American college campuses in recent years, creating hostile environments for Jewish students and challenging the foundational principles of inclusivity and safety in higher education. Reports of harassment, vandalism, and even physical assaults targeting Jewish students and organizations have highlighted a troubling trend that threatens the well-being of students and undermines the broader mission of academic institutions to foster respectful and equitable learning spaces. Despite the existence of Title VI of the Civil Rights Act of 1964—which prohibits discrimination based on race, color, or national origin in programs receiving federal assistance—the statute has proven inadequate in effectively combating this resurgence of antisemitism. The challenges lie in the complexities of defining antisemitism within the framework of civil rights law, as well as the reluctance of some institutions to acknowledge or address the issue fully. This growing crisis underscores the urgent need for stronger legal protections, enhanced educational efforts, and a unified commitment to addressing hate in all its forms on college campuses.

The Escalating Crisis

Recent data underscores the severity of the issue. Following the Hamas attacks on Israel on October 7, 2023, antisemitic incidents on college campuses have surged, with over 1,400 incidents recorded during the 2023/24 academic year. This increase includes the escalation of violence on campus and the targeting of Jewish institutions.

In New York City, 2024 witnessed a 7% rise in antisemitic hate crimes, totaling 345 reported incidents. Despite an overall 4% decrease in hate crimes in the city, Jewish individuals were disproportionately targeted, facing 54% of these crimes amidst the Israel-Hamas conflict and pro-Palestinian demonstrations.



Title VI: Scope and Limitations

Title VI prohibits discrimination based on race, color, or national origin in programs and activities receiving federal financial assistance. While it does not explicitly cover religious discrimination, it applies to groups sharing ethnic characteristics, such as Jewish and Muslim students. The U.S. Department of Education has clarified that Title VI protects against antisemitism and other forms of discrimination based on shared ancestry or ethnic characteristics.

However, the application of Title VI to antisemitic incidents has been inconsistent and often ineffective. The statute's limitations become evident when addressing complex cases where antisemitism intersects with political speech, such as anti-Israel sentiments, leading to challenges in enforcement and protection.



Institutional Failures and Inadequate Responses

Investigations into university responses reveal systemic failures in addressing antisemitism. For instance, during the 2022-2023 and 2023-2024 academic years, Temple University received at least 50 reports of shared ancestry discrimination and harassment, including antisemitic incidents. The U.S. Department of Education's Office for Civil Rights (OCR) identified compliance concerns regarding the university's response to these reports, indicating a broader issue of inadequate institutional responses to antisemitism.

Similarly, the University of California system faced complaints of discrimination and harassment from Jewish and Muslim students during protests over the Gaza war. Investigations concluded that the universities did not respond effectively to instances of antisemitic and anti-Arab harassment, leading to agreements to enhance reporting procedures and provide more training to employees and campus police.

In recent years, Columbia University has experienced a concerning rise in antisemitic incidents, creating a hostile environment for Jewish students and faculty. This escalation has manifested through various forms, including harassment, vandalism, and discriminatory rhetoric.

In 2024, New York City reported a significant increase in antisemitic hate crimes, with 345 incidents—a 7% rise from the previous year. This surge coincided with the Israel-Hamas conflict and related pro-Palestinian protests in the city. Jewish students at Columbia, such as Jonathan Lederer, expressed fear and disappointment over the growing hostility.

The university's administration has faced criticism for its inadequate response to these issues. A report by Columbia's Task Force on Antisemitism highlighted the institution's failure to prevent violence and hate, noting that antisemitism is prevalent in student clubs, classrooms, and dormitories. The report emphasized an urgent need for change to protect Jewish members of the university community.

Further exacerbating tensions, internal communications revealed senior administrators making disparaging remarks about the Jewish community, utilizing antisemitic tropes. These revelations have intensified concerns about the university's commitment to addressing antisemitism on campus.

The situation has also led to administrative upheaval. In August 2024, President Nemat Shafik resigned, citing exhaustion from the Gaza war's repercussions on campus. Her resignation followed criticism over the university's handling of pro-Palestinian protests and the safety of Jewish students.

These developments have prompted calls for stronger measures to combat antisemitism at Columbia University. Stakeholders are urging the administration to implement comprehensive policies that ensure the safety and inclusion of all students, reaffirming the university's commitment to upholding its foundational principles of diversity and respect.

Columbia University Business School assistant professor Shai Davidai has been a vocal critic of campus antisemitism. In a June 2024 testimony before Congress, he emphasized the need for universities to take decisive action, suggesting that the potential loss of tax-exempt status could motivate institutions to address antisemitism more effectively. He stated, "If only the thought of losing that tax exemption would pass through their minds, you would see no more antisemitism."

Davidai has also expressed deep concern about the safety of Jewish students on campus. In a November 2023 opinion piece, he shared his personal apprehensions, stating, "I wasn't planning on crying. The tears just came out when I spoke about the danger of antisemitism on US campuses."

His outspoken stance has led to personal repercussions. In October 2024, Columbia University temporarily barred him from campus, citing allegations of harassment and intimidation related to his criticism of pro-Palestinian protests. Davidai viewed this action as retaliatory, asserting that the university was attempting to silence his advocacy for Jewish and Israeli students.

Despite these challenges, Davidai remains steadfast in his commitment to combating antisemitism and advocating for the rights and safety of Jewish students in academic environments.



Biden Administration's Failure to Confront Antisemitism

The Biden administration's lackluster response to the wave of antisemitism on college campuses is nothing short of disgraceful. Despite repeated calls from Jewish advocacy groups and bipartisan lawmakers to take a strong stance against the rising tide of hatred, the administration has failed to enact meaningful reforms or enforce existing laws like Title VI. While issuing statements condemning antisemitism, these words have not translated into tangible action or accountability for universities. Federal funds continue to flow to institutions where antisemitism thrives, leaving Jewish students vulnerable to discrimination and harassment. This inaction represents a profound failure of leadership, particularly when the Department of Education has the tools at its disposal to withhold funding from noncompliant schools—a measure it has consistently refused to take.



Campus Presidents: Silent or Complicit

Equally culpable are university presidents, who have repeatedly chosen to either downplay or ignore the crisis unfolding on their campuses. Many have hidden behind claims of “free speech” to justify their inaction, allowing antisemitic rhetoric to flourish unchecked under the guise of political debate. Others have refused to condemn blatantly antisemitic incidents for fear of alienating vocal factions within their student bodies. This cowardice sends a clear message: Jewish students are not a priority. By failing to implement robust policies against antisemitism, provide adequate training for faculty and staff, or protect targeted students, these leaders have fostered environments where bigotry is normalized. Their refusal to take meaningful action is a betrayal of their responsibility to uphold campus safety and inclusivity for all.

Calls for Reform and Enhanced Enforcement

Advocacy groups and lawmakers have called for stricter enforcement of Title VI to combat antisemitism on campuses. In October 2024, various advocacy groups urged the U.S. Senate to hold hearings aimed at addressing anti-Israel protests and incidents on college campuses, emphasizing the need for universities to safeguard their Jewish students. They advocated for the government to cut funds to organizations involved in antisemitic activities and insisted on accountability for universities as recipients of taxpayer funds.

Despite these calls, enforcement remains lax. The OCR has resolved several investigations into how colleges responded to reports of antisemitism, revealing that many institutions fell short of federal law requirements. These findings highlight the need for more robust enforcement mechanisms and clearer guidelines for universities to effectively address antisemitism.

Conclusion

The resurgence of antisemitism on American college campuses is a pressing issue that Title VI of the U.S. Education Code has failed to adequately address. The statute's limitations, coupled with inconsistent enforcement and inadequate institutional responses, have allowed antisemitic incidents to proliferate, compromising the safety and well-being of Jewish students. To combat this crisis, there is an urgent need for legislative reform, enhanced enforcement of existing laws, and a commitment from educational institutions to foster inclusive and safe environments for all students.

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The executive branch should aggressively enforce Title VI [anti-discrimination rules] and hold schools accountable for their failures to protect students. Universities that fail to fulfill the obligations upon which their federal funding is predicated or whose actions make clear they are unfit stewards of taxpayer dollars should be treated accordingly. ”

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Joint Congressional Report December 2024

