

COMBATING WORKPLACE ANTISEMITISM IN
POSTSECONDARY EDUCATION: PROTECTING
EMPLOYEES FROM DISCRIMINATION

HEARING
BEFORE THE
SUBCOMMITTEE ON WORKFORCE
PROTECTIONS
OF THE
COMMITTEE ON EDUCATION AND THE
WORKFORCE
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED EIGHTEENTH CONGRESS
SECOND SESSION

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COMBATING WORKPLACE ANTISEMITISM IN POSTSECONDARY EDUCATION: PROTECTING EMPLOYEES FROM DISCRIMINATION

Wednesday, June 26, 2024

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON WORKFORCE PROTECTIONS,
COMMITTEE ON EDUCATION AND THE WORKFORCE,
Washington, DC.

The Subcommittee met, pursuant to notice, at 10:02 a.m., in Room 2175, Rayburn House Office Building, Washington, DC. Hon. Kevin Kiley (Chairman of the Subcommittee) presiding.

Present: Representatives Kiley, Grothman, Stefanik, Miller, Burlison, Foxx, Adams, Takano, and Scott.

Also present: Walberg, Manning.

Staff present: Cyrus Artz, Staff Director; Mindy Barry, General Counsel; Jackson Berryman, Speechwriter; Isabel Foster, Press Assistant; Daniel Fuenzalida, Staff Assistant; Eli Galiano, Press and Digital Coordinator; AnnMarie Barnes-Graham, Deputy Communications Director; Ben Gruber, Intern; Sheila Havenner, Director of Information Technology; Amy Raaf Jones, Director of Education and Human Services Policy; Alex Knorr, Legislative Assistant; Andrew Kuzy, Press Assistant; John Martin, Deputy Director of Workforce Policy/Counsel; Hannah Matesic, Deputy Staff Director; Carson Middleton, Kevin O'Keefe, Professional Staff Member; Rebecca Powell, Staff Assistant; Sophia Rees, Intern; Seth Waugh, Director of Workforce Policy; Maura Williams, Director of Operations; Ellie Berenson, Minority Press Assistant; Ilana Brunner, Minority General Counsel; Arana Blake, Minority CBCF Intern; Phoebe Ball, Minority Senior Counsel; Carrie Hughes, Minority Director of Health & Human Services Policy; Jessica Schieder, Minority Economic Policy Advisor; Sherman Dhrtvan, Minority Research Assistant; Raiyana Malone, Minority Press Secretary; Paola Milbank, Minority Intern; Will Nelson, Minority Intern; Meghan O'Neil, Minority Intern; Eleazar Padilla, Minority Staff Assistant; Veronique Pluiose, Minority Staff Director; Rachel Tao, Minority Intern; Theresa Tilling-Thompson, Minority Professional Staff; Banyon Vassar, Minority Director of IT.

Chairman KILEY. The Subcommittee on Workforce Protections will come to order. I note that a quorum is present. Without objection, the Chair is authorized to call a recess at any time. Since the evil, horrifying October 7th attack by Hamas terrorists on Israeli men, women and children, America has witnessed a deeply disturbing rise in antisemitism.

Following the attacks, the Anti-Defamation League reported a 380 percent increase in antisemitic incidents. This has continued in the weeks and months since, across different regions of the country, and different facets of society as the heinous events outside the Los Angeles synagogue this last week made painfully clear.

It is in one particular setting at colleges and universities where the problem has been most troubling. We have seen institutions of higher learning gripped by one of the world's most ancient and retrograde prejudices. We have seen scenes that shock the conscious. We have heard from students who have lived through an absolute nightmare, who have been targeted, attacked, denied access to campus or buildings all because of their heritage.

We have seen university leaders stand by as this horror played out on their campuses, even in some cases catering to those who promote antisemitism and celebrate terrorism. In response, the House Education and the Workforce Committee, under the leadership of Chairwoman Foxx, has worked to expose and combat this disgraceful reality.

We are using every available tool to protect the safety and civil rights of students who compel our universities to take immediate action and to undertake systematic reform. Today, the Subcommittee on Workforce Protections will examine another dimension of this crisis, employment-based discrimination in higher education.

We will hear about the experience of Jewish faculty and staff at universities that have allowed illegal harassment and discrimination to go unchecked. Universities are often a state's largest employer. In my home State, the University of California system has nearly 200,000 employees, making it the single, largest state-based employer in the United States.

I take great pride in the University of California system and its world class schools. While many services in our government are substandard, and while our universities have had their challenges, the UC CSU, and community college systems have remained tremendous assets to our city and State.

However, the events that we have witnessed on certain campuses in California and across the United States could not be more antithetical to the values of our State and our country. The University of California Los Angeles UCLA is a particularly troubling case.

Three students have now filed a lawsuit against UCLA for violating their rights by allowing, "The Jew Exclusion Zone Encampment," and related antisemitic harassment. Chancellor Gene Block testified before this Committee last month regarding the encampment, which was eventually broken up, but the university showed an inability to take decisive action, and protect the rights of Jewish students and employees.

The Chancellor at our hearing refused to even answer questions about whether students had been suspended, or faculty disciplined. On May 6th, the University of California, San Diego, an illegal encampment eventually led to the arrest of 64 individuals, including 40 students.

Professor Brian Keating will testify today about how this encampment was anything but peaceful, and how it aimed to foment hate against the Jewish people. He will share testimonials from

other university employees, one who said she does not know, “How much longer I can do this. I can’t work at UCSD. I can barely live here, and I have learned brutally and painfully where my live ranks for the people I’m surrounded by every day.”

At Mt. San Antonio in Walnut, California, Geography Professor Dafna Golden endured a vile harassment from a fellow professor, including students, including being called a “violent Zionist”, and being called a former soldier in the Israel Defense Forces, even though this was not even true.

She will testify today as to her experiences as a professor under such hostile conditions. I applaud Professor Golden for coming forward with her story, and I look forward to the testimony of all of our esteemed witnesses. Universities’ inadequate responses to this harassment only underscore the urgent need for stronger protections and accountability, and your insight today on how we can achieve this goal will be invaluable.

Specifically, Title 7 of the Civil Rights Act protects employees from antisemitic discrimination. Therefore, an important purpose of today’s hearing is to examine the extent to which universities are failing to fulfill their legal obligations to faculty and staff, and what corrective measures may be needed to uphold the law.

College may be out for the summer for the most part, but the rise of antisemitism remains a grave risk to students, faculty, and American higher education. It is simply put an alarming State of affairs. It cannot be tolerated. One way we can assure the rights of Jewish Americans are protected is by upholding Title 7 and remaining resolute in our commitment to fighting antisemitism and all forms of discrimination.

With that, I yield to the Ranking Member for an opening statement.

[The Statement of Chairman Kiley follows:]

STATEMENT OF HON. KEVIN KILEY, CHAIRMAN, SUBCOMMITTEE ON WORKFORCE PROTECTIONS

Since the evil, horrifying October 7 attack by Hamas terrorists on Israeli men, women, and children, America has witnessed a deeply disturbing rise in antisemitism. Following the attacks, the Anti-Defamation League reported a 388 percent rise in antisemitic incidents.

This has continued in the weeks and months since, across different regions of the country and different facets of society—as the heinous events outside a Los Angeles synagogue this last week made painfully clear. It is in one particular setting—at colleges and universities—where the problem has been most troubling.

We have seen institutions of higher learning gripped by one of the world’s most ancient and retrograde prejudices. We have seen scenes that shock the conscience. We have heard from students who have lived through an absolute nightmare, who have been targeted, attacked, denied access to campus or buildings—all because of their heritage. We have seen university leaders stand by as this horror played out on their campuses, even in some cases catering to those who promote antisemitism and celebrate terrorism.

In response, the House Education and the Workforce Committee, under the leadership of Chairwoman Foxx, has worked to expose and combat this disgraceful reality. We are using every available tool to protect the safety and civil rights of students—to compel our universities to take immediate action, and undertake systematic reform.

Today, the Subcommittee on Workforce Protections will examine another dimension of this crisis: employment-based discrimination in higher education. We will hear about the experience of Jewish faculty and staff at universities that have allowed illegal harassment and discrimination to go unchecked.

Universities are often a state's largest employer. In my home state, the University of California system has nearly 200,000 employees, making it the single largest state-based employer in the United States.

I take great pride in the University of California system and its world-class schools. While many services in our government are substandard, and while our universities have had their challenges, the UC, CSU, and community college systems have remained tremendous assets to our state.

However, the events that we have witnessed on certain campuses, in California and across the United States, could not be more antithetical to the values of our state and country.

The University of California, Los Angeles (UCLA) is a particularly troubling case. Three students have filed a lawsuit against UCLA for violating their rights by allowing the "Jew Exclusion Zone" encampment and related antisemitic harassment. Chancellor Gene Block testified before this Committee last month regarding the encampment, which was eventually broken up, but the university showed an inability to take decisive action and protect the rights of Jewish students or employees. The Chancellor refused to answer questions about whether students had been suspended or faculty disciplined.

On May 6, at the University of California, San Diego (UCSD), an illegal encampment eventually led to the arrest of 64 individuals, including 40 students. Professor Brian Keating will testify about how this encampment was anything but peaceful and aimed to foment hate against the Jewish people. He will share testimonials from other university employees, one who said she does not "know how much longer I can do this. I can't work at UCSD, I can barely live here—and I have learned, brutally and painfully, where my life ranks for the people I'm surrounded by every day."

At Mount San Antonio College in Walnut, California, Geography Professor Dafna Golden endured vile harassment from a fellow professor and students, including being called a "violent Zionist" and being called a former soldier in the Israeli Defense Forces, even though this was not even true. She will testify today to her experience as a professor under such hostile conditions.

I applaud Professor Golden for coming forward with her story, and I look forward to the testimony of all our esteemed witnesses. Universities' inadequate responses to this harassment only underscore the urgent need for stronger protections and accountability, and your insight today on how we can achieve this goal will be invaluable.

Specifically, Title VII of the *Civil Rights Act* protects employees from antisemitic discrimination. Therefore, an important purpose of today's hearing is to examine the extent to which universities are failing to fulfill their legal obligations to faculty and staff, and what corrective measures may be needed to uphold the law.

College may be out for the summer for the most part, but the rise of antisemitism remains a grave risk to students, faculty, and American higher education. It is, simply put, an alarming state of affairs. It cannot be tolerated.

One way we can assure the rights of Jewish Americans are protected is by upholding Title VII and remaining resolute in our commitment to fighting antisemitism and all forms of discrimination.

Ms. ADAMS. Thank you, Mr. Chairman, and I want to first of all express my gratitude to the witnesses for testifying before the Subcommittee today. Welcome. Today we are here to address crucial issues affecting our educational institutions and workplaces. It is my hope that we can come together to confront these challenges with a commitment to inclusive and effective solutions.

It is imperative to recognize that everyone, everyone deserves to work in a place free from discrimination. The Department of Education's Office for Civil Rights, and the Equal Employment Opportunity Commission, EEOC, have processes in place to respond to employment discrimination complaints. However, more work needs to be done to improve interagency coordination.

The recent Government Accountability Office, GAO, findings underscore the need for enhanced coordination and resource allocation to better serve those facing discrimination. Effective oversight of

agencies responding to discrimination claims requires understanding the law that prohibits discrimination.

Title 6 of the Civil Rights Act of 1964 prohibits discrimination by recipients of Federal funds and Title 7 prohibits discrimination in the workplace. Our discussions must be informed by an understanding of both the law, and the facts, so that we can take meaningful steps to ensure agencies, such as EEOC and EDOCR can provide appropriate redress to individuals facing discrimination.

At the heart of today's discussion, is the intersection of discrimination, including antisemitism, and the capacity of our Federal agencies response mechanisms. The Biden administration's national strategy for combatting antisemitism provides a roadmap for the Federal agencies in our Nation to comprehensively address these issues.

Additionally, the recently updated guidance on workplace harassment issued by the EEOC provides clear guidance for employers regarding their responsibility to maintain safe, supportive, work environments, including for their workers who are part of the LGBTQ+ community.

Unfortunately, the majority's focus on antisemitism, while simultaneously attempting to hamstring Federal civil rights enforcement is both counter-intuitive, and counter-productive. Furthermore, this approach risks undermining the progress that we have already made.

Instead, it is my wish that today's hearing will provide us with an opportunity for bipartisan collaboration on policy solutions that safeguard the civil rights and dignity of all individuals. By fully funding our enforcement agencies, addressing faculty diversity, enhancing agency responsiveness, and ensuring equitable treatment for all, we can truly foster inclusive environments that promote student success, and workplace fairness.

With that, I look forward to productive discussions today, and look forward to your testimony. Thank you, Mr. Chairman, I yield back.

[The Statement of Ranking Member Adams follows:]

STATEMENT OF HON. ALMA ADAMS, RANKING MEMBER, SUBCOMMITTEE ON
WORKFORCE PROTECTIONS

Thank you, Mr. Chairman. I want to express my gratitude to the witnesses for testifying before the subcommittee today. Welcome.

Today, we are here to address crucial issues affecting our educational institutions and workplaces. It is my hope we can come together to confront these challenges with a commitment to inclusive and effective solutions.

It is imperative to recognize that everyone deserves to work in a place free from discrimination. The Department of Education's Office for Civil Rights (ED OCR) and the Equal Employment Opportunity Commission (EEOC) have processes in place to respond to employment discrimination complaints. However, more work needs to be done to improve interagency coordination. The recent Government Accountability Office (GAO) findings underscore the need for enhanced coordination and resource allocation to better serve those facing discrimination.

Effective oversight of agencies responding to discrimination claims requires understanding the laws that prohibit discrimination. Title VI of the *Civil Rights Act of 1964* prohibits discrimination by recipients of Federal funds, and Title VII prohibits discrimination in the workplace. Our discussions must be informed by an understanding of both the law and the facts so that we can take meaningful steps to ensure agencies, such as the EEOC and ED OCR, can provide appropriate redress to individuals facing discrimination.

At the heart of today's discussion is the intersection of discrimination, including antisemitism, and the capacity of our federal agencies' response mechanisms. The Biden Administration's National Strategy for Combatting Antisemitism provides a roadmap for the Federal agencies and our nation to comprehensively address these issues. Additionally, the recently updated guidance on workplace harassment issued by the EEOC provides clear guidance for employers regarding their responsibility to maintain safe, supportive work environments, including for their workers who are part of the LGBTQ+ community.

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With that I look forward to productive discussions ahead.

Thank you, and I yield back.

Chairman KILEY. Pursuant to Committee Rule 8-C, all Committee members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk electronically in Microsoft Word format by 5 p.m. after 14 days from the date of this hearing, which is July 10, 2024. Without objection, the hearing record will remain open for 14 days after the date of this hearing to allow such statements, and other extraneous material referenced during the hearing to be submitted for the official hearing record.

I note for the Subcommittee that some of my colleagues who are not permanent members of this Subcommittee may be waiving on for the purpose of today's hearing. I will now turn to the introduction of our distinguished witnesses.

Our first witness today is Mr. Mark Rienzi, who is the President and CEO of the Becket Fund for Religious Liberty, located in Washington, DC.

Our second witness is Professor Brian Keating, who is the Chancellor's Distinguished Professor of Physics, for the University of California, San Diego, which is located in La Jolla, California.

Our third witness is Ms. Melissa Emrey-Arras, who is the Director in the U.S. Government Accountability Office's Education, Workforce and Income Security team in Washington, DC.

Our final witness is Professor Dafna Golden, who is a Geography Professor at Mt. San Antonio College in Walnut, California. We thank the witnesses for being here today and look forward to your testimony.

Pursuant to Committee Rules, I would ask you each limit your oral presentation to a 5-minute summary of your written statement. I would also like to remind the witnesses to be aware of their responsibility to provide accurate information to the Subcommittee. I will first recognize Mr. Rienzi.

STATEMENT OF MR. MARK RIENZI, PRESIDENT AND CEO, THE BECKET FUND FOR RELIGIOUS LIBERTY, WASHINGTON, D.C.

Mr. RIENZI. Thank you, Chairman Kiley, Ranking Member Adams, distinguished members of the Subcommittee. I am honored to appear before you today to offer testimony as part of your impor-

tant efforts to combat antisemitism in higher education. Imagine if you will the following scenes, a group of individuals holds a demonstration at a main thoroughfare in a public university.

They carry antisemitic signs, and they chant, "Slaughter the Jews." Police officers are present, but they stand idly by as demonstrators intimidate Jewish faculty and Jewish students. A few weeks later a professor finds a pile of trash at her front door with a piece of paper that says, "Loudmouth Jew", and a book cover that prominently features a swastika.

Then imagine hundreds of agitators swarming a law school, holding signs and chanting slogans like, "There's only one solution, and death to Jews." A short time later unknown individuals put up a statute on campus that traffics an antisemitic tropes with a large pig holding a bag of money alongside a bucket painted with the Star of David.

Finally, students and outside activists erect an unauthorized encampment at the heart of campus, outside of important academic buildings, and the main undergraduate campus library. Those inside the encampment should antisemitic slurs like, "This is the final solution," and "Death to Jews." They draw a Star of David, and then they cross it out, and then they draw the Nazi hate symbol, the swastika, they set up checkpoints to block access.

They interrogate students attempting to pass. They issue wristbands to people with approved ideas and views. They deny entry to visibly Jewish students, such as those wearing a Star of David or wearing a kippah.

Police officers are present and aware of the situation, but university officials instruct them not to intervene. The university hires outside security staff, not to help the Jewish students through the center of campus, but to send them elsewhere, unless they can get the approval of the mob chanting, "Death to Jews."

University officials fail to discipline students engaged in the unlawful conduct and refuse to enforce campus policies against the illegal encampment. Their actions embolden the protestors, violence predictably ensues. Now, those episodes may sound like they come from Germany in the 1930's, but they do not. They describe real life events that occurred and have continued to occur at the University of California Los Angeles over the past 9 months.

It could very well describe events at any number of American universities where similar illegal conduct has happened following Hamas' terrorist attack on October 7th. What can the Federal Government, and what can Federal law do? I will give you just a brief overview.

The Federal Government can enforce Title 6, as can private litigants. Title 6 prohibits keeping people out of participation in Federal programs which encompass virtually all universities on the basis of race or ethnic, or ethnic heritage. The Supreme Court has already found that discrimination against Jews qualifies as racial and ethnic discrimination.

As Chairman Kiley said, the Federal Government and private litigants can enforce Title 7, which makes it illegal to discriminate on the basis of religion or race, or national origin, and also makes it illegal to discriminate in the terms and conditions of employment for those employees, including creating what surely is going on at

any of these universities, which is a very, very hostile work environment.

There are other laws too, such as the Ku Klux Klan Act, which was enacted 150 years ago to stop masked clan's members from depriving people of their civil rights. That law also makes it illegal for people who have the ability to stop the conspiracy, like these universities, from failing to do so.

Last, where these universities are public institutions, they are, of course, also obliged to abide by the Constitution, and that means providing the equal protection of the laws, and many situations this is a clear failure to provide Jewish students and faculty with equal protection, and protecting the right to freely exercise religion, which unfortunately, is the basis on which many people have been excluded.

I thank the Committee for its time and welcome the questions.
[The prepared statement of Mark Rienzi follows:]

Written Testimony of Mark Rienzi¹

Before the House Committee on Education and the Workforce
Subcommittee on Workforce Protections

Combating Workplace Antisemitism in Postsecondary Education: Protecting
Employees from Discrimination

June 26, 2024

¹ Professor of Law, the Catholic University of America, Columbus School of Law;
President and CEO, the Becket Fund for Religious Liberty.

Chairman Kiley, Ranking Member Adams, and distinguished Members of the Subcommittee, I am honored to appear before you today and offer testimony as part of your important efforts to combat antisemitism in higher education. My name is Mark Rienzi, and I am a law professor at the Catholic University of America. I am also President and CEO of the Becket Fund for Religious Liberty. Becket is a non-profit, public-interest law firm dedicated to protecting religious liberty for people of all faiths. At Becket, we defend the rights of Buddhists, Christians, Jews, Hindus, Muslims, Native Americans, Sikhs, Zoroastrians, and members of other faiths to live out their religious beliefs. We have litigated hundreds of cases in federal and state courts, including many before the United States Supreme Court. All of our Supreme Court cases resulted in favorable decisions, often by unanimous or supermajority vote.²

Imagine, if you will, the following scenes. A group of individuals hold a demonstration at a main thoroughfare of a public university. They carry antisemitic signs and chant “slaughter the Jews.” Police officers are present, but they stand idly by as the demonstrators intimidate Jewish students and faculty.³ A few weeks later, a professor finds a piece of paper entitled “Loudmouth Jew” accompanied by a book cover prominently featuring a swastika placed outside his home.⁴

² See, e.g., *Hosanna-Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 565 U.S. 171 (2012) (unanimous); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014); *Holt v. Hobbs*, 574 U.S. 352 (2015) (unanimous); *Zubik v. Burwell*, 578 U.S. 932 (2016) (unanimous); *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 591 U.S. 732 (2020) (7-2); *Little Sisters of the Poor Sts. Peter & Paul Home v. Pennsylvania*, 591 U.S. 657 (2020) (7-2); *Fulton v. City of Philadelphia*, 593 U.S. 522 (2021) (unanimous).

³ *Frankel v. Regents of the Univ. of Cal.*, Case No. 24-cv-4702, ECF No. 1 ¶¶ 58-60 (C.D. Cal., filed June 5, 2024).

⁴ *Id.* ¶¶ 61-63.

Then imagine hundreds of agitators swarming a law school, holding signs and chanting slogans like “there’s only one solution” and “death to Jews.”⁵ A short time later, unknown individuals construct a statue on campus that traffics in antisemitic tropes, with a large pig holding a bag of money alongside a bucket painted with the Star of David.⁶

Finally, students and imported activists erect an unauthorized encampment at the heart of campus, outside important academic buildings and the main undergraduate campus library. Those inside the encampment shout antisemitic slurs like “this is the final solution” and “death to Jews.” They draw a Star of David, cross it out, and replace it with swastikas. They set up checkpoints to block access, interrogate students attempting to pass, and deny entry to visibly Jewish students, such as those wearing a Star of David necklace or a kippah. Police officers are present and aware of the situation, but university officials instruct them not to intervene. Other security personnel encourage Jewish students not to attempt to access the area. University officials refuse to discipline students engaging in unlawful conduct and refuse to enforce campus policies against the illegal encampment. Their actions embolden the protestors. Violence predictably ensues.⁷

These episodes may sound like they come from Germany in the 1930’s, but they don’t. They describe real-life events that occurred at the University of California, Los Angeles over the past nine months—events that have prompted a lawsuit against UCLA where my law firm is representing several students. And they could very well describe events at any number of American universities, where similar illegal conduct occurred following Hamas’ terrorist attack on October 7.

⁵ *Id.* ¶ 66.

⁶ *Id.* ¶¶ 82-84.

⁷ *Id.* ¶¶ 87-159.

So what can be done to ensure that universities and their administrators that have denied Jewish students, faculty, and employees equal treatment under the law are held accountable for their actions? Fortunately, existing law provides many mechanisms to hold universities and public officials accountable.

To begin, Title VI of the Civil Rights Act of 1964 provides that “[n]o 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.”⁸ Almost all institutions of higher education in the country receive some form of financial assistance from the Federal government and are therefore subject to suit under Title VI. And the Supreme Court has made clear that discrimination against Jews is discrimination based on race,⁹ as have multiple recent presidential administrations.¹⁰ So Title VI prohibits discrimination against Jews—whether it’s based on actual or perceived ancestry, race, ethnic characteristics, or national origin. That means universities like UCLA are liable under Title VI for excluding students, faculty, and employees from full participation and the full benefits of their programs because they are Jewish.

Similarly, Title VII of the Civil Rights Act of 1964 makes it an “unlawful employment practice for an employer to ... discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual’s race, color, religion, sex, or national origin.”¹¹ This includes

⁸ 42 U.S.C. § 2000d.

⁹ *Shaare Tefila Congregation v. Cobb*, 481 U.S. 615, 617-68 (1987).

¹⁰ See *Dear Colleague Letter*, United States Department of Education Office for Civil Rights (May 25, 2023), available at <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>; Exec. Order No. 13899 on Combating Anti-Semitism, 84 Fed. Reg. 68779 (Dec. 11, 2019), available at <https://www.govinfo.gov/content/pkg/FR-2019-12-16/pdf/2019-27217.pdf>.

¹¹ 42 U.S.C. § 2000e-2.

creating a “hostile work environment,” where discriminatory intimidation, ridicule, and insult are severe and pervasive, alter the conditions of employment, and create an abusive working environment.¹² Again, Title VII fits like a glove here. Discriminating against Jews is religious discrimination, and the actions and knowing acquiescence of university administrators allowed campus antisemitism to persist and grow, thereby creating hostile work environments for Jewish employees.

Other civil rights laws can also help address the scourge of antisemitism plaguing our institutions of higher education. The Ku Klux Klan Act was passed during Reconstruction to protect Black Americans from racial terrorism and combat “the Klan’s reign of terror in the Southern States [that] had rendered life and property insecure.”¹³ But the Ku Klux Klan Act also applies today and provides protection for modern-day attacks on Jewish students, faculty, and employees.

Section 1985 of the Ku Klux Klan Act provides that “[i]f two or more persons in any State . . . conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws . . . the party so injured or deprived may have an action for the recovery of damages occasioned by such injury or deprivation, against any one or more of the conspirators.”¹⁴ When universities acquiesce in antisemitic activity and refuse to apply their campus policies to unlawful behavior, that can give rise to a Section 1985 claim against the universities.

The same is true for Section 1986 of the Ku Klux Klan Act, which permits liability for the *failure to prevent a conspiracy*. Under Section 1986, “[e]very person who,

¹² *Harris v. Forklift Sys., Inc.*, 510 U.S. 17, 21 (1993).

¹³ *Virginia v. Black*, 538 U.S. 343, 353 (2003) (quoting *Jett v. Dallas Independent School Dist.*, 491 U.S. 701, 722 (1989)).

¹⁴ 42 U.S.C. § 1985(3).

having knowledge that any of the wrongs conspired to be done, and mentioned in section 1985 . . . , are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented.”¹⁵ Again, that means when universities have the power to prevent racially motivated attacks and hostile work environments against their Jewish students, faculty, and employees, they must do so. Otherwise, they’re violating Section 1986.

If a university is a public institution, like UCLA, then there are even more potential remedies. Those harmed can bring a claim under the Equal Protection Clause, which prohibits the government from discriminating based on religion, race, and ethnicity. Or they can bring a claim for violating their free speech rights, as Jewish students can sometimes only access educational benefits by disavowing their religious identity and Israel’s right to exist. Or plaintiffs can bring a claim based on the Free Exercise Clause, as universities and administrators are denying them equal educational programming due to their religious status and exercise as Jews.

There are many ways in which existing federal law can address the problem of antisemitism on college campuses. But in another sense, the law, on its own, is not fully effective in remedying these problems. That’s because enforcement of federal civil rights protections can depend on the courage of individual litigants.

Suing someone in general is seldom relished by plaintiffs, even in cases where the law is clearly on their side. But when a lawsuit involves antisemitism and religious and racial discrimination, the social and emotional costs to bringing suit are even higher—especially when those lawsuits arise amid a tense nationwide debate like the

¹⁵ 42 U.S.C. § 1986.

one we are in right now. The culture of silence and intimidation and the fear of reprisals isolate victims and prevent them from speaking out and acting without the support of allies and those unaffected by antisemitism. In short, in moments like these it can take a great deal of fortitude to assert one's basic legal rights.

That's where the work of this Committee, and the work of the Federal government, can make an important difference. In a prior hearing before this Committee, UCLA Chancellor Gene Block was called to testify and explain the actions of his administration. That hearing demonstrated that UCLA officials were well-aware of the dangers posed by antisemitic demonstrations on campus, yet they did little to stop them. But the statements in that committee hearing also galvanized Jewish students, faculty, and employees and made them realize that they were not alone and could address these issues before they got even worse. Without this Committee's work, many of those harmed by UCLA and other universities would not have felt empowered to speak up. Your continued oversight and investigations are critical to holding universities accountable to the laws that Congress has passed to protect Jewish students, staff, and faculty.

The Department of Education can also follow the lead of this Committee. The Department typically processes and responds to formal complaints before investigating colleges and universities for Title VI violations. And the Department does not have to wait for formal complaints to be filed. The problem of antisemitism in our institutions of higher education is now a well-known problem, and the Department's Office of Civil Rights ("OCR") can begin its own investigations and compliance reviews outside the complaint process. As OCR itself has noted, agency-initiated cases, called "compliance reviews" are intended to "target resources to

compliance problems that are particularly acute, national in scope, or newly emerging.”¹⁶ Antisemitism on college campuses undoubtedly fits that bill.

The EEOC and the Department of Justice can also become involved. Given the rapid rise of antisemitism in our country, EEOC can make it a priority to enforce Title VII against instances of religious discrimination against Jews. The Department of Justice can employ Title IV of the Civil Rights Act of 1964, which authorizes the Attorney General to investigate equal protection violations—including religious discrimination—in public institutions of higher education.¹⁷ The Department of Justice can also sue and compel public school districts and universities to enter into settlement agreements when schools fail to appropriately respond to peer-on-peer religious harassment.¹⁸ And the Department of Justice can intervene in employment discrimination lawsuits on the side of Jewish employees facing religious discrimination.¹⁹ All these actions would send a clear signal that the Federal government is taking antisemitism seriously—in universities, in the employment context, and in our society more broadly.

At the beginning of my remarks, I noted how the events on American colleges and universities today are eerily reminiscent of scenes from German universities and

¹⁶ *Ensuring Equal Access to High-Quality Education*, U.S. Department of Education Office for Civil Rights, available at https://www2.ed.gov/about/offices/list/ocr/docs/ensure03_pg6.html (last modified April 3, 2023).

¹⁷ 42 U.S.C. § 2000c-6.

¹⁸ See, e.g., *Settlement Agreement between the United States of America and Federal Way Public Schools*, available at <https://www.justice.gov/crt/case-document/file/1336691/dl?inline>; *Resolution Agreement between the United States of America and DeKalb County School District*, available at <https://www.justice.gov/sites/default/files/crt/legacy/2013/05/09/dekalbagree.pdf>.

¹⁹ See *Owen and United States of America v. L'Anse Area Schools*, No. 2:00-cv-71 (W.D. Mich., filed Mar. 28, 2002), available at <https://www.justice.gov/sites/default/files/crt/legacy/2010/12/14/lanseor.pdf>.

society from the 1930's. Remembering that history is important so that we are not condemned to repeat it.

On the more positive side, we can also learn from what our predecessors did well, and we can follow their example. One such example is that of President George Washington, who in 1790 wrote to the Hebrew Congregation of Newport, Rhode Island, that was seeking assurances about the place of Jews within American society. He wrote:

All possess alike liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens. . . . May the Children of the Stock of Abraham, who dwell in this land, continue to merit and enjoy the good will of the other Inhabitants; while every one shall sit in safety under his own vine and figtree, and there shall be none to make him afraid.²⁰

Together, we can defeat the scourge of antisemitism in our institutions of higher learning and society by “giv[ing] to bigotry no sanction, to persecution no assistance.” Together, we can live up to Washington’s promise that in this country, none shall be made afraid on account of his faith or ancestry. And together, we can ensure that the promises of our Constitution and our civil rights laws are kept and safeguarded.

I thank the Committee for its time and allowing me to testify. I look forward to your questions.

²⁰ Letter from George Washington to the Hebrew Congregation in Newport, Rhode Island (Aug. 18, 1790), in *Founders Online*, National Archives, available at <https://founders.archives.gov/documents/Washington/05-06-02-0135>.

Chairman KILEY. Thank you very much. I now recognize Professor Keating.

**STATEMENT OF PROFESSOR BRIAN KEATING, CHANCELLOR'S
DISTINGUISHED PROFESSOR OF PHYSICS, UNIVERSITY OF
CALIFORNIA, SAN DIEGO, LA JOLLA, CALIFORNIA**

Mr. KEATING. Chairman Kiley, and esteemed members of the Committee, my name is Brian Keating, and I stand before you as a Jew and an astrophysicist. My childhood dream was to study the universe and all of its wonders. This dream led me to the University of California where our motto is taken from the Hebrew Bible, "Let there be light."

I was dedicated to the luminous thrill of scholarship, and I always wondered who would pay me to do this job? In fact, I would do it for free, but please do not tell Gavin Newsom or the Regents. My concern is not for me. I am fully tenured and working on well-funded research with a brilliant team of scientists around the world.

No, today I speak for scholars, like a young, untenured professor from Israel, her homeland demonized since October 7th, and even long before. I speak for an undergraduate teaching assistant who studies, and whose employment requires him to navigate the complex thoroughfare of campus that sometimes includes encampments, which are no go zones for him.

All educators are familiar with Maslow's hierarchy of needs. It provides a framework for creating an educational environment conducive for learning. At the base of the pyramid is safety, physical safety and emotional safety.

Safety means more than just meeting your needs, your basic needs. It also has to involve an environment free of discrimination, harassment and intimidation. As an educator, I know you cannot learn in a place of hatred.

You cannot teach from a place of hatred. However, for decades UC has not been a safe space for Jewish and Israel students, staff and employees, faculty members, they call their colleagues F'ing colonizers.

During a tour of a lab and workspace environment Israelis and Jews are working and pursuing their studies. They are confronted by calls for the elimination of the one Jewish homeland.

These faculty call themselves scholars, and yet engage in the dishonest and anti-intellectual boycott of the one Jewish State, forbidding members to come to our campus to learn, work and study, based on their religion and national origin.

An Israeli undergraduate student, dedicated pre-med who wants to save lives faces very challenging classes, but also, he is ostracized from the very union that is meant to protect him, the United Auto Workers Union, who seems more interested in demonizing his homeland, and calling for strikes against the campus.

When he attempts to have his voice heard at an academic Senate meeting, he sees the ISIS flag waved proudly outside by protestors. A young woman pursuing her doctoral degree receives a letter from her professor, her employer, filled with hateful anti-Israel rhetoric.

This letter intimidates her and makes her question her safety within her department. When she seeks refuge over a coffee at the

campus student union, she is blocked by an illegal encampment, which is a no go zone for her as a Jew.

Following one of the daily five—five daily prayer services in the camp, she is confronted by chants for the elimination of Israel as a sovereign Jewish State. She hears calls for intifada, reminding her of the awful times decades ago, which she thought were over.

These flyers also include calls for death to America. A professor tries to bypass the encampment. He hears the familiar chants, long condoned on our campus. There is only one solution, intifada revolution, which is a veiled reference to the holocaust. Protestors at the encampment scream at him, “May Allah humiliate and crush all the Zionists, enter them in fire.”

A graduate student employee sees students passing out pamphlets with the Star of David compared to the Nazi swastika, and she decides the life of the mind may not be for her, and we would be all the more poorer for it.

In an environment where academic freedom should flourish, professors try to hire scholars from Middle Eastern studies, and find them banned because of their national origin.

Let me quickly relay the story of the reprehensible, anti-black racist Compton cookout, which took place on our campus in 2010. There were immediate steps of remediation, many of them sponsored by the Black Student Union.

However, in May 2023, over a year ago a swastika made of human feces was found in a dorm and learning facility on our campus, no such activity to combat antisemitism has taken place in our campus.

When swords were found, and flammable materials were found at an illegal encampment, nothing of the sort is tolerable. Our encampment only lasted 5 days thanks to the quick action of our Chancellor Pradeep Khosla.

Other campuses were not so lucky, and there was tremendous violence in our sister campus as you heard, at the University of California and LA.

I have very many recommendations in my written testimony, but I think the most important one is to develop a comprehensive conversation between Students for Justice in Palestine, which unfortunately explicitly forbids conversation with Zionists.

I hope that we can return our campus, with your leadership help, back to being a beacon of light, “Let there be light.”

[The prepared statement of Mr. Keating follows:]

**Committee on Education and the Workforce
Subcommittee on Workforce Protections
Hearing on “Combating Workplace Antisemitism in Postsecondary
Education: Protecting Employees from Discrimination”
June 26, 2024**

Written Testimony of Professor Brian Keating

My name is Professor Brian Keating. I am the Chancellor’s Distinguished Professor of Physics at UC San Diego. I have been a professor at the University of California for over 20 years. In that time, I’ve been privileged to work with and teach some of the best and brightest human beings from all seven continents. I have supervised students from all backgrounds, from devoutly Christian to Muslim immigrants from Uganda to atheist Jews from Israel.

My research focus is on the first trillionths of a second following the Big Bang, and my group and collaborators build telescopes at the world’s most extreme environments, including the South Pole, Antarctica, Chile’s Atacama Desert, and even from rockets we launch into space.

The University of California is one university with ten campuses. All ten of our campuses are united in academics, and we all have an affinity for the best public institution in the world. What affects one campus often affects all campuses. This is unfortunately true of bad ideas spreading and the worst among them flourishing. This is certainly the case with antisemitism at my campus and others in the University of California System:

The recent Anti-Defamation League (ADL) report card on campus antisemitism gave UC San Diego a “D” grade, as it did for every other UC campus tracked in the report card. The exception was UCLA, which was recently downgraded from a D to an F. This downgrade highlights significant concerns about the university’s handling of antisemitic incidents and potential violations of Title VII of the Civil Rights Act of 1964 [1][2].

Note that California is the state with the second most antisemitic hate crimes in the nation, just behind New York.

I wish to relate first to a reprehensible incident known as the ‘Compton Cookout’, which took place off-campus in San Diego in February 2010. The Compton Cookout, a racist party hosted by several UC San Diego students in 2010, sparked

outrage and led to significant changes in the university's approach to diversity, equity, and inclusion (DEI). The aftermath of this incident highlighted the need for comprehensive DEI initiatives and resources at UCSD for some members of its population, but not all.

In response to the Compton Cookout and subsequent events, the Black Student Union (BSU) and other student organizations presented a list of 32 demands to the university administration, including the establishment of a center for African American students, efforts to increase enrollment and hire more African American faculty, and the creation of a Vice Chancellor for Diversity, Equity, and Inclusion (DEI) position.[2]

There are many DEI-related positions within the UC system. Reports suggest that nearly 700 employees work under the DEI umbrella. Despite this commitment, many Jewish and Israeli employees and staff wonder if the commitment to diversity applies to them.

The amount of antisemitism on campus has made employment untenable for many faculty and staff who experience discrimination based on religion and their national origin.

As an educator of more than two decades, I know there is no possibility of education in an environment of hatred and demonization. Physical and mental well-being is the foundational tenet of Maslow's hierarchy of needs as applied to pedagogy.

Yet below, I have compiled testimony from UCSD students, who also happen to be employees as Teaching Assistants and Researchers. Some of these testimonies should horrify anyone of conscience, not only my fellow educators:

An Israeli American student states: "I'm a member of the United Auto Workers union because of my position as a Reader/Grader for students in biological sciences. The union, which is supposed to represent me, has entirely isolated myself and countless other Jewish employees as they attempted to authorize a strike from work because several union members were arrested for their illegal activities in encampments and protests...Furthermore, as a volunteer student researcher in a cardiology research lab, I had to avoid conducting my research on June 3rd as our buildings had to be locked from the outside to prevent protesting mobs during SJP's "UCSD's complicity tour," where they personally targeted labs

associated with Zionists, and I was in fear as a Jewish worker in a department with numerous Jewish faculty.”

Another graduate student testifies that she received a letter from her professors (i.e. her employer-supervisors) regarding Israel that included terms like “apartheid,” “genocide,” “illegal occupation,” “and militarism.” The letter made her feel unsafe and “aware of those in the department who might have a bias against me, and who I may not feel comfortable working for in the future considering their outdated anti-Israel feelings.”

Another says she doesn’t know “how much longer I can do this. I can’t work at UCSD, I can barely live here – and I have learned, brutally and painfully, where my life ranks for the people I’m surrounded by every day.”

A professor of anthropology reports discrimination and a hostile work environment: “In October, Anthropology professors canceled classes in solidarity with Hamas and used departmental listservs to urge others to follow suit. A Jewish professor was publicly called a hypocrite for not attending a meeting on Passover. The Director of Undergraduate Studies presented a letter demanding faculty take a public stand against the Chancellor and Israel, which she had coerced students into signing. Professors have also pushed for BDS, the Chancellor’s resignation, and actions against Israel while suppressing opposing viewpoints. They aim to sever research and teaching partnerships with Israeli scholars despite these scholars protesting against their government.

Despite multiple official complaints to the Office of Prevention of Harassment and Discrimination and appeals to the DEI Officer, no actions have been taken. Requests for an advisory committee on antisemitism and testimony to lawyers investigating an open Title VI case have also been ignored.”

These, unfortunately, are not issues stemming from the Hamas terrorism of October 2023. In May 2023, during Justice in Palestine week, informally known as “Hate Israel Week,” a disturbing incident of antisemitic vandalism occurred at the University of California, San Diego (UCSD) when a swastika made from human feces was found smeared on a bathroom wall in the Kaleidoscope dorm building of Sixth College. This reprehensible act sparked outrage and prompted various responses from the university administration, student organizations, and the broader community.

The university's administration removed the feces graffiti and launched an investigation by campus police to identify the perpetrator(s). Additionally, the Office of the Chancellor sent a university-wide email condemning the act and reaffirming UCSD's commitment to creating an inclusive and welcoming environment for all students, regardless of their background or beliefs.

The antisemitic vandalism deeply affected Jewish students at UCSD, who expressed feelings of disgust, numbness, and fear for their safety on campus. Elanit Leiter, a Jewish student who reported the incident to the UCSD Hillel, emphasized the need for the university to create a safer environment and acknowledge Jewish suffering and history within diversity, equity, and inclusion programming.[2]

Yet despite this horrific attack on Jews on our campus, the results of the investigation have not been released in the subsequent year, and no remediation or corrective measures, such as those taken in response to the (off campus) "Compton Cookout," have been taken.

Jewish students and organizations have called for increased education and awareness programs, stronger disciplinary actions against perpetrators of antisemitic acts, and the inclusion of Jewish history and experiences within diversity and inclusion curricula.[2] Additionally, there have been calls for improved security measures and the establishment of dedicated resources, such as an antisemitism hotline, to support and protect Jewish students on campus. None of these have been implemented, in contradistinction to the events following the Compton Cookout which have led to the establishment of a significant DEI administrative response.

UC San Diego is, sadly, not alone. At our sister campus of UC Santa Cruz, that same week in May 2023, we saw a deluge of antisemitic outrages.

In April 2023, back-to-back antisemitic acts occurred on and near the campus of the University of California, Santa Cruz (UCSC). In the first, a group of students organized a party commemorating the birthday of Adolf Hitler, and in the second, someone placed a flyer promoting antisemitic and homophobic ideas on the windshield of a car parked in downtown Santa Cruz
[<https://www.algemeiner.com/2023/05/10/disgusted-and-numb-university-of-california-san-diego-bathroom-vandalized-with-swastika/>]

Antisemitism and harassment at work since October 7, 2023

While the reprehensible Compton Cookout was a one-time incident, in contrast, every year, Justice in Palestine Week, informally known as “Israel Apartheid Week”, is observed by Students for Justice in Palestine (SJP). SJP started at UC Berkeley in 1993 and has grown every year since, spreading to the other campuses of the UC system. For 20 years, the SJP has organized an effective propaganda campaign demonizing Israel, erasing it from maps of the Middle East and attacking Zionism, which is as essential to Judaism as the resurrection is to Christians. https://www.instagram.com/p/C6coEtp0ou/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==

On October 12, *just five* days after the Hamas terror attack on Israel, SJP at UCSD had a vigil to “honor the martyrs” of Palestine. This was weeks before the IDF’s campaign in Gaza began.

The martyrs being honored were, therefore, presumably, the terrorists themselves also killed in the attack. The vigil was announced in an Instagram post which, once again, depicted the removal of the State of Israel completely, with a concomitant replacement of the map by a Palestinian flag (https://www.instagram.com/p/CyOyqblS-aU/?utm_source=ig_web_copy_link&igsh=MzRIODBiNWFIZA==)

The ADL report mentioned above details several other disturbing incidents at UCSD over the past year, including harassment of Jewish students wearing Star of David necklaces [1], and the need to evacuate Jewish students from a student government meeting due to anti-Israel protesters outside the building [1][12][14].

These incidents contribute to a hostile environment for Jewish students and employees, violating Title VII’s prohibition against religious discrimination and harassment in the workplace [1][2]. Jewish students report feeling unsafe and anxious on campus, with some reluctant to openly identify as Jewish for fear of backlash [1][12][16]

May 2024 Illegal Encampment and administration reaction:

UCSD had seen numerous protests over the war in Gaza since October 7 which culminated with the creation of a protest encampment early in May 2024.

Here are the facts of the encampment, modified from an article in the San Diego Union-Tribune by Gary Robbins.
 (<https://www.sandiegouniontribune.com/2024/06/13/breaking-his-silence-ucsd-chancellor-pradeep-khosla-explains-his-crackdown-on-a-gaza-protest-encampment/>)

The protesters put up about twenty tents on the campus's student center, near Library Walk, in a 20-minute period on May 1, using materials that had been stored in nearby Price Center. Afterward, campus officials quickly showed up and told them the encampment was illegal.

After the camp was erected, UCSD police shifted to emergency staffing (12-hour shifts, no days off) to provide security, officials said in their executive summary, "diverting resources from other public safety activities and imposing a tremendous burden," it added.

The university described its communications with the protesters as "increasingly difficult," its review says. "There was no consistent person to communicate with, no one claimed to have any authority, and shifting representatives deflected responsibility and accountability for communications, actions, or follow-up."

"We did not have enough people for security for the rest of campus," Chancellor Khosla told the Union-Tribune.

"Encampment participants left the encampment and occupied Library Walk at the same time as the counter protesters were marching through the same area. This resulted in hundreds of individuals from the two factions, feet apart from each other, screaming and waving objects in each others faces. Thankfully, this incident did not result in violence, but the encampment's decision to provoke and confront counterprotestors dramatically increased the risk of violence breaking out as happened at UCLA," the university said in the document.

Officials added, "If a fight had broken out, it is likely that the campus' security resources would have been overwhelmed."

UCSD police were present at the demonstration. The university's executive summary does not say how officers were told to manage the protest and counterprotest.

"We are not going to be relying on UCPD to protect us," a protester said. "No cops, no administration, no one's going to protect us. We will protect ourselves."

A large sword and flammable materials were found inside the camp and by Sunday, the UCSD encampment had tripled in size.

The illegal encampment at UCSD was anything but peaceful. Weapons were found during the clearing, oil-soaked rags and other fire code violations were discovered. Participants vandalized campus, wearing keffiyehs and face masks while shouting antisemitic genocidal chants such as “there is only one solution - intifada revolution” and “murder the Jews” to an identifiably Jewish student. Stickers espousing antisemitic tropes and glorifying gun violence were found, and brochures celebrated terrorists who attacked Israel on October 7th as “martyrs.”

The genocidal phrase “From the river to the sea, Palestine will be free” was heard and seen on sidewalk chalk, stickers, and pamphlets. Congress passed a bipartisan resolution condemning this chant as antisemitic. Protesters used intimidation tactics to prevent Jewish students from crossing campus, making it so dangerous that classes were disrupted and canceled for safety.

While the First Amendment guarantees freedom of speech, it does not grant individuals the right to break the law or endanger others. Protesters engaging in illegal encampments, wielding weapons, and promoting hateful rhetoric cannot use free speech as a shield. With rights come responsibilities, and those who abuse their rights through unlawful behavior must be held accountable.

The illegal encampment at UCSD aimed to foment hate against Jewish people. Protestors wrongly accuse Israel of genocide while calling for the genocide of Jewish people. They were advised to disperse on May 6th but chose violence against law enforcement. Resisting arrest and attacking officers is against the law, and there are consequences for breaking it.

The Chancellor and the San Diego County Sheriffs are to be commended for dismantling and clearing the illegal encampment at UCSD. It is unfortunate that others are slandering the Chancellor and the Sheriff’s Department for doing their job and keeping everyone safe, including peace officers performing their duties and following policy and procedure.

The Chancellor and Sheriff’s Department enforced law and order, and we commend them for their professionalism. The vast majority of the faculty stand with them against unjustified complaints and request that charges against violent protestors are not dropped. The illegal encampment at UCSD on May 6 was a

troubling event that impacted campus safety and security. Law enforcement's swift and decisive actions should be commended.

Partisan Political Divisions from Academic Leadership

When viewing employees of UCSD, it's important to recognize that the Academic Senate is responsible for shared governance of the university. Unfortunately, in May and June 2024, the Chair of the Academic Senate, John Hildebrand, who leads the body responsible for governance of the faculty (i.e., employees) of the university -- *refused* to meet with Jewish undergraduates while, in contrast, he did meet with students from the Students for Justice in Palestine (SJP UCSD) and then called for a censure and vote of no confidence in the Chancellor following his decision to remove the illegal encampment which had prevented access to campus property to Jews and non-Jews alike.

During a special session of the UCSD Academic Senate held on May 10, it became clear that a group of faculty members, seemingly supported by the UCSD Academic Senate Chair, were pushing for a vote of no-confidence in Chancellor Khosla for his decision to clear the encampment. During this session, the Chair openly criticized the administration, stating that the Academic Senate was not consulted and that this was a severe breach of joint governance. As we later learned from the Chair, he was upset that the Chancellor did not accept his counsel.

In response to and following this meeting, a diverse group of colleagues from across campus signed a motion in support of Chancellor Khosla's timely and well-planned action, which cleared the unauthorized and arguably illegal encampment.

1. Other UC campuses did not clear the encampments and now face Title VI legal action against them (see List of recently opened Title VI investigations) and UCSD is at serious risk of joining it.
2. Other UC campuses experienced physical damage to structures and violence with physical harm to people during clearing of encampments. UCSD did not.
3. Further, most UC campuses are experiencing ongoing disruptions.

Ultimately, it is the Chancellor is responsible for campus safety and compliance with Title VI. It is his duty to do so. His handling of the situation was well-planned and thoughtful, thus diffusing a situation that might have led to injury or worse, as seen on other campuses.

It is apparent that UCSD's Academic Senate Chair is inappropriately politicizing his seat, supporting the initiatives against the Chancellor, and in the process has engaged in:

Misrepresentation to Administration: He presented his own views to the administration, as those of the faculty, without prior consultation.

Manipulation Regarding No-Confidence: the Senate Chair falsely accused the Chancellor of failing to consult with the Academic Senate regarding the encampment.

Selective Listening: Jewish students were rejected or ignored, while Students from the Students for Justice in Palestine were listened to.

Recommendations

To comply with Title VII of the Civil Rights Act and create a safe, non-discriminatory work environment, UCSD must take proactive steps to address antisemitism on campus. This includes promptly investigating and addressing all reported incidents, providing support and resources for affected employees, including student employees, and fostering open dialogue and education to combat antisemitic stereotypes and harassment.

By prioritizing these actions, UCSD can work towards improving its grade on the ADL's report card and, more importantly, create a campus climate that upholds the rights and protections guaranteed by Title VII.

In November 2023, UC President Drake pledged \$7 million to help UC campuses address and combat antisemitism, Islamophobia, and other forms of bigotry. This included funding for mental health resources, educational programs to understand better antisemitism and Islamophobia, and UC leadership and faculty training. It is not at all clear how these funds are being used, and what, if any accountability there is for implementation of such measures.

Appendix A: Student Employee Testimonials:**From PhD student researcher Jubilee Cabellon:**

I am a descendant of inquisition survivors who migrated from Spain to Mexico to The USA, fleeing jew-hatred and traces of the inquisition. Even after the inquisition ended in Mexico, my family carried a custom where they wouldn't tell their kids they were Jewish until they were old enough to keep it a secret. My family almost lost all their Judaism due to secrecy until my mom's grandma told her in the 90s (when she was 18) that "now seems to be a safe time to be a jew" and that we can go back to our culture and history.

If my great-grandmother knew what was happening almost 20 years after her passing, perhaps she would have taken this secret to her grave. Once again, it does not feel safe to be a jew. My parents and partner have told me to hide anything indicating I'm Jewish, I've stopped wearing my star-of-David jewelry in public, kept all my curtains closed to hide my Jewish items hanging in my house, and I've brought in my mezuzah. Hearing things like "there is only one solution, intifada revolution", reminds me of the horrors done to my distant family during the first and second intifada. And now it seems like this jew-hate is at my doorstep. I ask myself, do I do what my ancestors did and hide my Judaism to survive? Or do I show myself a jew without trembling knees?

Hearing "When people are occupied, resistance is justified" to justify the acts of October 7th, terrifies me. Because had I been to the Nova Festival, people chanting these things would have excused my R*PE and M*RDERS. And it makes me wonder, if it happens to me now, safe in my home in the US, will people excuse it because I am a jew? These protests make me think, my feelings and fears DO NOT MATTER

My family's attempts for survival WERE ALL FOR NOTHING because we are back at square one.

The worst part is, it's all in the name of social justice, and yet my people's work towards defending themselves is not justifiable in the eyes of the protestors.

I don't feel safe on campus, I am constantly on the brink of a breakdown with fear of people asking "are you a good jew or a bad jew"

I am worried about a building take over in my place of work, like there has been in other schools

I am constantly afraid of being harassed if I do express my identity

I had a really hard time going to work when the protests started, and the encampment was in one of my favorite areas to unwind. Now I can't even see it the same because it almost feels tarnished? In a way?

I am terrified of my labmates and floor mates bringing up the war

And I when I see them wear a keffiyeh, I have to stuff down a panic attack so I could just work.

I don't feel like I can be outwardly Jewish in my place of work and schooling, and I am scared of being targeted and I am scared of being confronted to choose or speak up

Haïa R'nana Bchiri:

UCSD has never felt like a dream-come-true place as a Jew, but since October, it's turned into a daily nightmare. While I was frantically sifting through the onslaught of horrific images and updates to see if my friends and family in Israel were alive after October 7th, I got a message from a colleague in my department lecturing me about "context" for the terror attacks. With saccharin "sweetness," she lectured about how Hamas was actually freedom fighters who were totally justified in raping and murdering civilians. When I had the audacity to still condemn Hamas and try to figure out if my then-6-year-old sister was among those murdered by her "freedom fighters," she proceeded to spend the next several months giving me the silent treatment every time our paths crossed at work. And that was just the beginning.

My inbox is full of emails from my department, composed by faculty, admin, and graduate students, that are steeped in blood libel and antisemitic rhetoric. I can't turn a corner on campus without coming face-to-face with a flier promoting the destruction of Israel by any means necessary, posters and graffiti and pamphlets that repeat the "from the river to the sea" slogan, calling for the deaths of my family and the annihilation of any Jews who dared live in our indigenous homeland. About two weeks ago, I walked out of the building in which I teach and was greeted by a sign reading "One Solution: Intifada Revolution!" I was talking with a student at the time, but completely froze and couldn't continue answering his question: I was too busy dealing with PTSD, something that's become a regular

occurrence whenever I'm on campus (which is anywhere from 3 to 6 days a week for work). Despite the people who have tried to dismiss me with dictionary definitions, to me posters and chants for "Intifada" mean one thing – a dogwhistle for antisemitic violence. "Intifada" is what they called it when my parents' neighbor was murdered and his pregnant wife was stabbed. "Intifada" is what they said was happening when I took the train home from a shift at a Jerusalem hospital and hid from the stones being hurled at the windows. "Intifada" is what they cried when I huddled together with a few other teenage girls and waited to see if the next person who came through our door would be the terrorist who had just killed a Jewish boy down the block from us. "Intifada" is how they justified the mutilation and kidnapping of my friend's cousin, who is still being held hostage in Gaza. "Intifada" is the reason I faced death before I took my first college class. And now, "Intifada" is what my colleagues and students shout and promote across campus.

When I went to speak with a few other Jews about antisemitism on campus, we were met with a crowd not only crying for "Intifada," but also flying the Hamas flag. Not the Palestinian flag, the flag of a terror organization. Students with their faces covered crowded onto the patio behind the conference room where we were speaking with student government, banging on the glass behind our heads and miming shooting us down. My information was leaked with a list of Jewish students. I'm afraid to leave my apartment for fear of the outpouring of antisemitism that's flooded the campus and afraid every time I return home, scared people have found where I live again and I'm going to find the red triangle on my door, or worse. I've brought my mezuzah inside, I don't invite people over, I've even stopped using any Hebrew or Jewish terms when I'm on the phone with my family outside my (now always double-locked) door).

My colleagues, people with whom I have worked closely for years, who I once considered friends and collaborators, are constantly posting antisemitic vitriol; the conversations I've walked in on have made it necessary for me to teach my therapist the meaning of "blood libel." My department has become completely inhospitable, with every meeting, event, and performance preceded by statements supporting the people calling for the murder of Jews. My experiences and fears are constantly dismissed, the violence enacted and threatened on me and my loved ones justified and celebrated by my colleagues and professors. My greatest joys at this school were teaching and rehearsal; now I'm scared at both, knowing most of the people there have been championing Hamas and spreading antisemitic rhetoric. After the situation with the encampment, I had to grade papers, and I found myself

afraid to give students the grades they had earned because they know I'm Jewish and there was a real possibility that could be used against me if someone wasn't happy with their grade. My research is tied to ancient Israel, to examining texts that have to do with Jewish history and indigeneity, and so I haven't felt safe discussing it with anyone in my department for months, which has definitely hindered my work, as has the reemergence of PTSD symptoms, the constant fear, and the harassment wearing me down to the bone. I've tried to be a resource for Jewish undergrads in my department who have shared their isolation and fear, surrounded by their classmates calling for the eerily familiar "one solution," which, frankly, should scare anyone with a glancing knowledge of history. I am exhausted, petrified, wrung out, and absolutely unable to work at full capacity. I have ended every day this quarter with the thought "I don't know how much longer I can do this." I can't work at UCSD, I can barely live here – and I have learned, brutally and painfully, where my life ranks for the people I'm surrounded by every day.

Alex Bazarksy:

I am a graduate student and TA in the Anthropology Department at UCSD. Since October 7th I have been negatively impacted by antisemitism and anti-Israel activities on campus not only as a student but also as a contracted employee.

This is my first year as a Ph.D. student in the department and, under my contract, I am only permitted to work as a teaching assistant (TA) within my department. Since October 7th, the majority of the Anthropology Department's faculty and graduate students have been one of the few UCSD departments to encourage their students to attend pro-Palestine protests, boycott classes, craft letters detailing their support of groups such as SJP (Students for Justice for Palestine) and JVP, as well as their BDS (Boycott, Divestment, and Sanctions) demands. All while spearheading and promoting anti-Israel events. Working for a department who is so blatant in spreading anti-Israel propaganda and antisemitic [values?] has been extremely difficult. I have often found myself forced to push aside my school and TA work to speak up against such actions and sentiments.

During the fall quarter of 2023, I was a TA for a professor in the department who, after October 7th, said nothing about the atrocities committed in Israel by Hamas. However, in late October he used class time to promote a pro-Palestine protest and student class strike that was taking place. In this class period he made inappropriate remarks labeling Israel as a genocidal colonizer apartheid state. He still did not address October 7th or Israeli civilians and only spoke of Palestinian

suffering. He encouraged his students to strike and not attend to their other classes, while also providing them extra overtly pro-Palestine resources to watch and read. In this instance I was extremely uncomfortable as a Jewish and Zionist student who was forced to attend class and listen to his speech. I also felt, based on his accusations against Israel and my outward support of the state, that he was not a safe person to go to for help in the class any longer. This was only confirmed when I wrote a follow up email to him after class suggesting he was biased in his talk to the class and, as a result, was actively marginalizing students in the classroom which amounted to a polarized learning environment, and a misuse of power in the class. I provided examples of certain language he used and information on what he excluded, including a recognition of the terrorism on October 7th, the subsequent hostages, and Hamas's designation as a terrorist organization. In his response five days later, he was unapologetic and simply stated he could not remember any remarks said in class, but he was open to debating the topics with me if I wanted. Not only would I never engage with this behavior with any employer, but I specifically did not want my political views and his contempt of the Israeli state used against me in my work assessment for the class.

Outside of direct professor-teacher assistant interactions and relationships, the Anthropology department as my wider employer has engaged in marginalizing behavior which, despite my complaints, has persisted. Our department email list is regularly used by professors and graduate students to distribute SJP, JVP, and other pro-Palestine and anti-Zionist events. These behaviors have fostered a feeling within the department which seemingly supports those in favor of the Palestinian-resistance movement and demonizes those who are pro-Israel, regardless of their feelings regarding or sympathies for Palestinian suffering. This in turn has emboldened my graduate student colleagues to verbally accost me for my views as well as withhold important work-related and union information; all of which has amounted to my feeling isolated in wider departmental gatherings.

In early May, individuals in my department utilized the listserv to circulate two different statements after the protest encampment at UCSD was taken down. First an "all graduate student" letter was sent out claiming all UCSD Anthropology graduate students condemned the Chancellor's actions regarding the encampment. Furthermore, the letter requested amnesty for the students arrested at the encampments, sought that payments be given to the students whose items were

seized, and supported SJP's BDS demands of the university. This letter was not approved or signed by all the graduate students. This fact is made even worse given that a few others and I were not even aware the letter was drafted in the first place, making the signature of "The Graduate Students of the UCSD Department of Anthropology" remarkably misleading.

Following that letter, a faculty letter with similar sentiment and demands was sent a few hours later via the listserv. They used similar wording including terms like "apartheid," "genocide," "illegal occupation," "and militarism." However, this letter was signed with names by certain faculty members.

The graduate letter left me feeling incredibly isolated within my department and among my TA colleagues, and the faculty letter left me aware of those in the department who might have bias against me, and who I may not feel comfortable working for in the future considering their outstated anti-Israel feelings.

The last 8 months I have sensed hostility and experienced curt treatment from a select few professors, especially when wearing my Star of David necklace. I have experienced similar treatment from their students, who know my views. It is my inclination that these behaviors stem from an incident in a large group chat with graduate students from the Anthropology department in which I was specifically targeted a week following October 7th. People were spamming the chat with "Free Palestine," BDS articles, and student protest/strike efforts. When my peers started pressuring other TAs to cancel their classes so students could protest for Palestine and encouraging them to read an anti-Israel propaganda piece to their class sections, I felt the need to speak up. I expressed my belief that they should not engage in this behavior in a workplace chat, and they subsequently accosted me for being against free-speech and activism. I tried defending myself saying that was not my intention, however they continued berating me—many doing so without knowing me. In a final defense, I shared that I was Jewish and stood with Israel, and I was speaking from a place of discomfort and marginalization. Nevertheless, they persisted, and a few peers and colleagues took it farther and directed borderline antisemitic comments toward me. No one ever defended me in the chat, and I was compelled to leave it to for my own wellbeing.

My position as a TA has specifically been fraught with worry that my students will treat me poorly or give me negative reviews due to my positions on Israel. This was made more intense around the time of the encampment and the now subsequent UAW strike on campus. During the encampment, many teachers and

TAs offered leniency for late work to those who were protesting. I became worried that my lack of outward response to the encampment would negatively affect my students' opinions of me. Regarding the strike, I chose to attend class and continue to grade my students' work. Both actions were questioned by a few, and they seemed disappointed I was not taking up the cause. These interactions are just another example of the constant underlying tension, polarization, and judgement on campus due the Israel-Hamas war and its pro- and anti- factions on campus.

Being a Jewish student and contracted worker at UCSD, especially within the Anthropology department, has been exceedingly difficult these last 8 months. The university and department have simply not done enough to curb hostility and antisemitism on campus and in the workplace

Jacob Rendler: Israeli-American student

I'm a member of the UAW union, because of my position as Reader/Grader for students in biological sciences. The union, which is supposed to represent me, has entirely isolated myself and countless other Jewish employees as they attempted to authorize a strike from work because several union members were arrested for their illegal activities in encampments and protests. My inbox has been flooded with messages demonizing the existence of Israel, and they caused me to feel silenced in my place of work, scared to speak out in fear of being personally attacked. Furthermore, as a volunteer student researcher in a cardiology research lab, I had to avoid conducting my research on June 3rd as our buildings had to be locked from the outside to prevent protesting mobs during SJP's "UCSD's complicity tour," where they personally targeted labs associated with Zionists, and I was in fear as a Jewish worker in a department with numerous Jewish faculty.

Appendix B: Documentation of calls to harass and violently cleanse Israel (and America and the Globe) via Intifada promoted by SJP chapters at other campuses in the UC System:

UCSD: <https://x.com/BritBendavid/status/1787294787433075062>

UCLA <https://x.com/arieljalali/status/1712596389497286825?s=46>

UC Riverside: <https://x.com/joshallenonline/status/1785749767374639195?s=46>

UC Irvine: <https://x.com/lawyergonerogue/status/1786623030816596412?s=46>

UC Berkeley <https://x.com/lawyergonerogue/status/1787990052347298196?s=46>

Appendix C: Harassment of UCSD Employee Prof Geoff Bracewell

Antisemitism is particularly impactful at UCSD's Department of Anthropology. Recently, three graduate students reported being targeted due to their Jewish identity, work in Israel, anti-veteran bias, or nonconformity to the field's political orthodoxy. Labs with artifacts from Jordan and Israel were defaced twice. A Jewish Native American student faced severe cyberbullying, being labeled a "race traitor" for supporting Israel, and was publicly humiliated by a professor. Another student, nearing dissertation completion, expressed doubts about continuing due to antisemitic bullying.

Faculty contribute to this hostile atmosphere. In October, Anthropology professors canceled classes in solidarity with Hamas and used departmental listservs to urge others to follow suit. A Jewish professor was publicly called a hypocrite for not attending a meeting on Passover. The Director of Undergraduate Studies presented a letter demanding faculty take a public stand against the Chancellor and Israel, which she had coerced students into signing. Professors have also pushed for BDS, the Chancellor's resignation, and actions against Israel, while suppressing opposing viewpoints. They aim to sever research and teaching partnerships with Israeli scholars, despite these scholars protesting against their government.

During a recent hiring process for an endowed chair in the archaeology of ancient Israel, professors labeled candidates as "too Zionist" or "too religious," leading to hostile interviews and protests. A distinguished archaeologist faced harassment due to his religion and nationality, with protestors disrupting his presentation and spreading false claims about his work.

Despite multiple official complaints to the Office of Prevention of Harassment and Discrimination and appeals to the DEI Officer, no actions have been taken. Requests for an advisory committee on antisemitism and testimony to lawyers investigating an open Title VI case have also been ignored. Immediate action is needed to address these issues, including establishing clear antisemitism guidelines, hiring experienced personnel, comprehensive training, and creating specific reporting pathways. Enhancing scholarship on Jewish identities and antisemitism and defining guidelines for academic freedom and bias are also crucial.

Appendix D: Harassment of UCSD Employee Prof Avi Yagil:

The encampment flew hateful and genocidal symbols used by Hamas and other terrorist organizations for decades. All these were accompanied by chants whose meaning was made clear a long time ago (e.g., the 1929 massacre of Hebron Jews): the battle cry of ‘from the river to the sea’, ‘Idbah al Yahud’ (slaughter the Jews), ‘Throw the Jews to the sea’, and so on. Also, consider choices of attire and symbols used, like the Kuyfia (the black-white or red-white head dress) which used to be an innocent Arab head dress, but has since acquired a different meaning after being used by terrorists as a kind of uniform and symbol.

All these events had a chilling effect on UCSD’s Jewish community including Faculty, Staff, and in particular on the youngest and most vulnerable Jewish student body. Since the horrific attack perpetrated by Hamas, the likes of which have not been seen in the civilized world for decades, Jewish students faced harassment, hostile and sometime violent hardships on UCSD’s campus.

Appendix E: Workplace Harassment at UCSD in June 2024 – “Walking Complicity Tour”

Faculty who were targeted were told by the administration to avoid campus (i.e., not work), if possible:

Dear PIs:

The Instagram post below announces a protest walking tour starting on Monday, June 2 at 2 p.m., focused on labs that we believe might be based on a list of defense-related projects circulated two weeks ago. We do not yet have any information about which labs the protest might include.

We recommend that you take extra precautions on Monday, including:

- Let your teams know that a potential protest could include your lab.
- Instruct personnel to work virtually, if possible.
- Limit entrance to your lab to include only authorized project personnel.
- Contact Labor Relations if protestors arrive at your lab
 - Email: laborrelations@ucsd.edu
 - Phone: (858) 534-2810

PIs should relay or request information regarding disruptions or recommended protocols at fusioncenter@ucsd.edu. This account will be monitored during extended working hours and the information will be forwarded to relevant groups. The Fusion Center/EOC phone number is 858-583-3053.

If you have reason to fear for your immediate safety or the safety of any of your personnel, call campus police by dialing 911 or (858) 534-HELP (4357).

For specific requests like police escort service visit:
<https://blink.ucsd.edu/safety/emergencies/campuswide/phone.html>

We will provide any additional information we receive.

Elizabeth H. Simmons

Executive Vice Chancellor

Corinne Peek-Asa

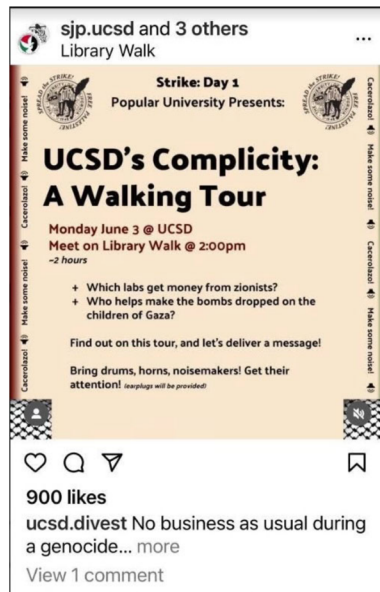
Vice Chancellor for Research and Innovation

John M. Carethers

Vice Chancellor for Health Sciences

Margaret S. Leinen

Vice Chancellor for Marine Sciences



Appendix F: Encampment violence at University Of California May & June 2024:

UCLA:

<https://x.com/sfmcguire79/status/1800493649735880759?s=46>

Case filed against the Regents: In the wake of the terrorist attack on Israel on October 7, 2023, anti-Jewish protests emerged on college campuses nationwide.

At UCLA, activists set up an encampment in the heart of campus where they enforced a “Jew Exclusion Zone,” segregating Jewish students and faculty and preventing them from going to their classes, accessing the library, or participating in routine campus social life. Meanwhile, UCLA’s administration ordered police to stand down and step aside and even assigned security officers to keep those who would not agree to disavow Israel’s right to exist away from the area. Three Jewish UCLA students are now asking a federal court to hold UCLA accountable for allowing the antisemitic encampment checkpoints.

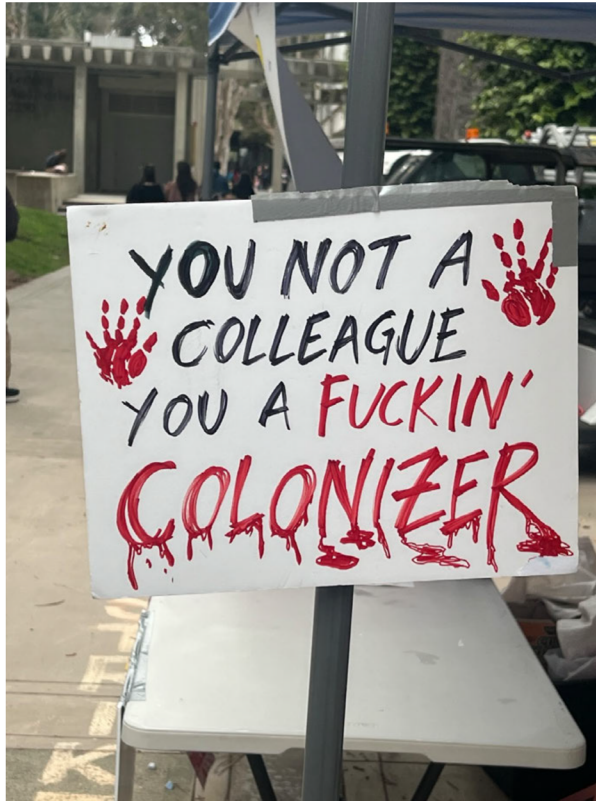
UCSD:

We are the intifada” <https://x.com/gmishne/status/1787341598897885354>

Only one solution

Sword: <https://x.com/gmishne/status/1789109137089151082>

Appendix G: Harassment of UCSD Employees In the Psychology department:



Appendix H: Harassment of UCSD Employee Prof. Tom Levy

----- Forwarded message -----

From: Thomas Levy <[REDACTED]>
 Date: Wed, Feb 28, 2024 at 11:01 PM
 Subject: Anti-Jewish and Anti-Hindu postings in Social Science Research Building 3rd Floor
 To: Pradeep Khosla <[REDACTED]>, Petitt, Becky <[REDACTED]>, Unknown Chancellor <[REDACTED]>
 CC: Carol Padden <[REDACTED]>, Andrew Viterbi <[REDACTED]>, Gary Jacobs <[REDACTED]>, Irwin Jacobs <[REDACTED]>, Ramesh Rao <[REDACTED]>, Rajesh Gupta <[REDACTED]>, Paul Goldstein <[REDACTED]>

Dear Pradeep and Becky:

I would like to lodge a complaint that my lab on the 3rd floor of the Social Science Research Building (SSRB) has been targeted with Anti-Jewish postings today, February 28, 2024. This is the second time this has happened in the past week. Please see attached photos. You can see in one instance, that whoever posted the Anti-Jewish documents on my lab door covered my name and academic title 'Norma Kershaw Chair in the Archaeology of Ancient Israel and Neighboring Lands.' This is especially painful as I have spent my career building ties between Jewish and Arab communities in the southern Levant (Israel, Jordan, the Palestinian territories).

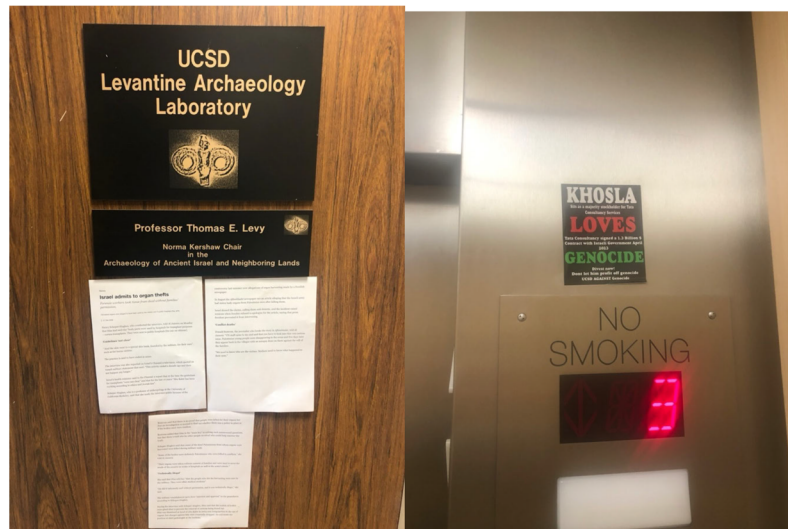
Someone has also posted an Anti-Hindu and Anti-Jewish poster specifically attacking you, Chancellor Khosla, in the elevator of the Social Science Research Building (see attached photos).

I don't know who targeted me. However, I have been informed that there are graduate students, possibly from the Department of Anthropology, who have an office opposite my SSRB 3rd floor lab who are activists and expressed anti-Jewish sentiments at a recent Kershaw Chair job talk on Wednesday February 21 2024 that I attended and that may be responsible for the posting on my lab door.

UC San Diego needs to do something soon about these Anti-Jewish and Anti-Hindu activities on our campus, before things spiral out of control such as what has

happened at UC Berkeley where Jewish students were recently assaulted, spat on, and physically accosted. What does the UC San Diego administration plan to do?

Respectfully,
Tom



Appendix I: Further Recommendations

-Mandate antisemitic training. I think some of our required training (sexual harassment in the workplace, for one) is state mandated. [This by the way would address some of the concerns we have listed, e.g., “Lack of basic cultural fluency around antisemitism in administrative and personnel support positions.”] This could be tied with reforms to the CA civil rights department (<https://civildrights.ca.gov/shpt/>) that could take antisemitism complaints and cases.

- Construct laws based on the proposed Regents Policy on Public and Discretionary Statements by Academic Units. This could be extended into any public agency (although it is not a problem presently outside the universities). It addresses concerns that departments are using university platforms to push their antisemitic agenda (and other political statements). This would just say that public agencies must remain apolitical and cannot use media (including their websites) to express political views. This is completely within scope: laws already exist limiting public employees from using public resources to lobby their government.

-Enact regulation to protect K-12 from requirements to teach ethnic studies (there is a CA Dept of Education, and there are Content Standards<https://www.cde.ca.gov/be/st/ss/>). Protect Jewish students and prevent them from being subjected to mandatory training full of antisemitic content.

References

Compton Cookout:

- [1] [UCSD Guardian](#)
- [2] https://en.wikipedia.org/wiki/Compton_Cookout
- [3] <https://undergrad.ucsd.edu/programs/dei/index.html>

Feces Swastika:

- [1] <https://ucsdguardian.org/2023/05/11/antisemitic-vandalism-found-in-sixth-college-dorm-bathrooms/>
- [2] <https://www.algemeiner.com/2023/05/10/disgusted-and-numb-university-of-california-san-diego-bathroom-vandalized-with-swastika/>
- [3] <https://www.10news.com/news/local-news/ucsd-students-react-to-antisemitic-hate-crime-on-campus>
- [4] <https://www.nbcsandiego.com/news/local/jewish-students-at-uc-san-diego-on-edge-after-anti-semitic-incidents/2942952/>

Other Citations:

- [1] <https://www.sdjewishworld.com/2024/04/11/uc-san-diego-receives-a-d-on-adls-antisemitism-report-card/>
- [2] <https://www.axios.com/local/san-diego/2024/04/17/ucsd-campus-antisemitism-report>
- [3] <https://www.sandiegouniontribune.com/2023/11/04/bitter-debate-erupts-among-uc-san-diego-students-over-war-between-israel-and-hamas/>
- [4] <https://ucsdguardian.org/2023/05/11/antisemitic-vandalism-found-in-sixth-college-dorm-bathrooms/>
- [5] <https://www.timesofisrael.com/anti-israel-events-increase-on-us-campuses-bds-resolutions-drop-adl-survey-finds/>
- [6] <https://ethnicstudies.ucsd.edu/about/statements-commentaries.html>
- [7] <https://inewssource.org/2024/05/02/ucsd-students-protest-israel-divestment-palestinian-life/>
- [8] <https://www.nbcsandiego.com/news/local/pro-palestinian-uc-san-diego-protest/3515661/>
- [9] <https://www.kpbs.org/news/education/2024/05/08/after-campus-crackdown-uc-san-diego-students-march-for-gaza-ceasefire>
- [10] <https://www.algemeiner.com/2023/05/10/disgusted-and-numb-university-of-california-san-diego-bathroom-vandalized-with-swastika/>

- [11] <https://adminrecords.ucsd.edu/ppm/docs/160-10.html>
- [12] <https://www.sandiegouniontribune.com/news/education/story/2023-11-09/tensions-flare-israel-hamas-jewish-palestinian-students-ucsd-unsafe>
- [13] <https://today.ucsd.edu/story/addressing-the-current-moment>
- [14] <https://today.ucsd.edu/story/statement-on-social-media-video>
- [15] <https://www.10news.com/news/local-news/uscd-students-react-to-antisemitic-hate-crime-on-campus>
- [16] <https://www.nbcsandiego.com/news/local/jewish-students-at-uc-san-diego-on-edge-after-anti-semitic-incidents/2942952/>
- [17] <https://academicintegrity.ucsd.edu/process/consequences/sanctioning-guidelines.html>
- [18] <https://www.latimes.com/california/story/2023-12-14/federal-civil-rights-probes-launched-into-ucla-uc-san-diego-and-other-california-campuses>
- [19] <https://www.baileyglasser.com/news-Court-Holds-All-Title-IX-Plaintiffs-Can-Sue-SDSU-for-Retaliation>
- [20] <https://career.ucsd.edu/employers-recruiters/policies/>

Chairman KILEY. Thank you very much. I now recognize Ms. Emrey-Arras.

STATEMENT OF MS. MELISSA EMREY-ARRAS, DIRECTOR, EDUCATION, WORKFORCE, AND INCOME SECURITY, U.S. GOVERNMENT ACCOUNTABILITY OFFICE, WASHINGTON, D.C.

Ms. EMREY-ARRAS. Chairman Kiley, Ranking Member Adams, Chairwoman Foxx, Ranking Member Scott, and members of the Subcommittee, thank you for the opportunity to be here today to discuss GAO's work on employment discrimination at colleges and universities.

Our findings focus on the government's process for handling employment discrimination complaints, including those related to religious discrimination. My statement today will address the roles of Education's Office for Civil Rights, and the Equal Employment Opportunity Commission, and how they process complaints of employment discrimination.

I will also highlight two recommendations from our March report that would help ensure timely and complete processing of all higher education employment discrimination complaints. Several Federal statutes protect faculty and other employees of colleges and universities from employment discrimination.

I would like to specifically highlight, as others have already, that Title 7 of the Civil Rights Act of 1964 prohibits employment discrimination based on race, color, sex, national origin, or religion. Both EEOC and Education receive individual complaints of employment discrimination in higher education.

EEOC promotes equal opportunity in the workplace and is the primary Federal agency responsible for enforcing employment discrimination statutes. Once EEOC receives complaints, the complaints are assigned to its investigative staff. EEOC also files litigation in select cases against employers.

OCR's mission is to promote educational excellence through vigorous enforcement of civil rights. OCR assigns complaints it receives to its investigative staff. If OCR investigative staff deter-

mine that Education does not have jurisdiction over an employment case, they will often refer it to EEOC.

In our work, we found that OCR and EEOC handled about 20,000 employment discrimination complaints in higher education from 2011 to 2021. However, we identified concerns with both the tracking and the timing of referrals from OCR to EEOC. OCR refers the majority of employment discrimination complaints it receives to EEOC.

EEOC processed close to 19,000 higher education employment discrimination complaints from 2011 to 2021. I would like to point out that during this time-period there were over 1,000 charges related to religious discrimination involving faculty and staff at colleges and universities.

Although OCR refers the majority of the employment discrimination complaints it receives to EEOC, given EEOC's jurisdiction, OCR's referrals recently were usually passed the 30-day referral deadline set out in its own agency policy. We found that in 1922, OCR referred 72 of 99 such complaints after the 30-day deadline.

The percentage of late OCR referrals increased from 40 percent being late in 2011, to 73 percent being late in 1922. In 1922, we would that OCR took an average of 71 days to refer complaints to EEOC. OCR and EEOC officials have acknowledged that late referrals could delay complaint investigations, and negatively affect individuals.

We recommended that Education track the number of days it takes to refer complaints to EEOC and use that information to develop a plan to reduce delays. Education agreed. Turning to EEOC, we found that EEOC could not confirm that it had received 100 percent of OCR's referrals.

We recommended that EEOC develop and finalize a protocol to ensure it receives and processes all complaint referrals from Education.

EEOC noted it is taking related action. Until Education and EEOC implement our recommendations, some faculty and staff, who have experienced discrimination may continue to experience delays in getting relief from the government. Thank you. This completes my statement.

[The prepared statement of Ms. Emery-Arras follows:]



United States Government Accountability Office

Testimony
Before the Subcommittee on Workforce
Protections, Committee on Education
and the Workforce, House of
Representatives

For Release on Delivery
Expected at 10:15 a.m. ET
Wednesday, June 26, 2024

HIGHER EDUCATION

Opportunities Exist to Improve Federal Oversight of Alleged Employment Discrimination at Colleges and Universities

Statement of Melissa Emrey-Arras, Director,
Education, Workforce, and Income Security

GAO Highlights

Highlights of [GAO-24-107661](#), a testimony before the Subcommittee on Workforce Protections, Committee on Education and the Workforce, House of Representatives

Why GAO Did This Study

Colleges and universities employ thousands of faculty and staff across the country. These institutions are subject to federal laws prohibiting employment discrimination. However, some faculty and other employees have reported experiencing discrimination.

This testimony is based on relevant aspects of GAO's March 2024 report, entitled *Higher Education: Employment Discrimination Case Referrals between Education and the Equal Employment Opportunity Commission Could Be Improved* ([GAO-24-105516](#)). This testimony addresses the roles of Education's OCR and EEOC and how they process complaints of employment discrimination at higher education institutions.

GAO analyzed Education complaint data from fiscal years 2011–2022, and EEOC complaint data from fiscal years 2011–2021 (each data set was the most recent available). GAO also reviewed relevant federal laws, regulations, and policies, and interviewed agency officials.

What GAO Recommends

GAO made two recommendations in its March 2024 report. GAO recommended that Education track the timing of employment discrimination complaint referrals to EEOC. Education agreed. GAO also recommended that EEOC develop a protocol to ensure it receives and processes all complaint referrals from Education. EEOC neither agreed nor disagreed, but acknowledged the importance of processing all referrals and is taking action to address this recommendation.

View [GAO-24-107661](#). For more information, contact Melissa Emrey-Amas at (617) 786-0534 or emreyarasm@gao.gov.

June 26, 2024

HIGHER EDUCATION

Opportunities Exist to Improve Federal Oversight of Alleged Employment Discrimination at Colleges and Universities

What GAO Found

From fiscal years 2011 through 2021, about 20,000 complaints alleging employment discrimination at an institution of higher education were filed by faculty or other employees, according to GAO's analysis of complaint data from the Department of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC). Allegations of discrimination included complaints based on race, sex, disability, national origin, color, and religion. OCR received 1,944 complaints from fiscal years 2011 through 2022. OCR investigates complaints that meet its criteria, but refers the majority of its employment-related complaints to EEOC for investigation consideration. EEOC investigated 18,559 complaints of employment discrimination against higher education institutions from faculty or other employees from fiscal years 2011 through 2021.

Education and EEOC have processes in place to respond to employment discrimination complaints and coordinate referrals, but GAO found that the referral process was often delayed and sometimes resulted in missing records. In fiscal year 2022, Education processed and referred to EEOC 99 complaints alleging employment discrimination at colleges and universities. GAO found that Education referred the complaints in 71 days on average, although Education policy calls for doing so within 30 days. However, Education does not track the timing of these referrals. Without doing so, Education is missing opportunities to identify and learn from its field offices that are processing timely referrals. Lessons learned could be applied agency-wide to reduce delays. This is important because individuals with delayed complaints may experience adverse effects, such as continued discrimination or less pay.

In fiscal year 2021, EEOC processed 1,342 complaints alleging employment discrimination at colleges or universities based on race, color, religion, sex, national origin, or disability, some of which were referred by Education. However, EEOC does not have a protocol to consistently track and account for the complaint referrals, which can sometimes result in missing referrals. EEOC acknowledged that it could not locate all OCR referrals. For example, one recent referral from OCR was not initially recorded by EEOC until the individual who filed the complaint followed up. Without a protocol to ensure that EEOC receives and processes all Education complaint referrals, some may be missed or resolution may be delayed.

Chairman Kiley, Ranking Member Adams, and Members of the Subcommittee:

Thank you for the opportunity to be here today to discuss our work on employment discrimination at institutions of higher education. Our findings focus on the government's process for handling employment discrimination complaints, including those related to religious discrimination. My testimony today is based on relevant aspects of our March 2024 report entitled *Higher Education: Employment Discrimination Case Referrals between Education and the Equal Employment Opportunity Commission Could Be Improved*.¹

My statement today will address the roles of Education's Office for Civil Rights (OCR) and the Equal Employment Opportunity Commission (EEOC) and how they process complaints of employment discrimination at higher education institutions. I will also highlight two recommendations from our report that would help ensure timely and complete processing of all employment discrimination complaints.

To examine these issues, we analyzed data from Education's OCR and EEOC. We analyzed OCR complaint data from fiscal years 2011 through 2022 and EEOC complaint data from fiscal years 2011 through 2021. Each data set was the most recent available at the time of our review. We have concerns with the data fields that EEOC uses to record complaint referrals from other federal agencies, and we discussed these concerns in the report. We concluded that the remaining EEOC data fields and all of the OCR data we analyzed were sufficiently reliable for our purposes of reporting counts of employment discrimination complaints in various categories, such as the complaint's relevant federal statute and resolution.

We also reviewed federal laws and regulations, OCR and EEOC policy documents, and other relevant documents. In addition, we interviewed OCR and EEOC officials. We compared the practices of OCR and EEOC to agency policy, federal standards for internal control, and leading practices for agency collaboration.

¹ GAO, *Higher Education: Employment Discrimination Case Referrals between Education and the Equal Employment Opportunity Commission Could Be Improved*, [GAO-24-105516](#) (Washington D.C.: March 2024).

This work was conducted in accordance with generally accepted government auditing standards. More details on our scope and methodology can be found in the full report.

Background

Federal Statutes Related to Employment Discrimination

Several federal statutes protect employees, including the faculty and other employees of colleges and universities, from employment discrimination. Under federal law, discrimination in an employment setting on the basis of race, color, religion, sex, national origin, disability, age (40 and older), and genetic information is generally prohibited. The federal statutes discussed in our report include:²

- Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex, or national origin.
- Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in programs or activities that receive federal financial assistance.
- Title IX of the Education Amendments of 1972, which prohibits discrimination based on sex in education programs or activities that receive federal financial assistance.
- The Americans with Disabilities Act of 1990 (ADA), which prohibits discrimination on the basis of disability.³
- Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability in programs or activities that receive federal financial assistance.

² To simplify our discussion of employment discrimination complaints, our review excluded additional federal statutes related to employment discrimination, including the Equal Pay Act of 1963, the Age Discrimination in Employment Act of 1967, the Genetic Information Nondiscrimination Act of 2008, and the Pregnant Workers Fairness Act. We also did not review state nondiscrimination laws or equal employment procedures at higher education institutions that may be used to address employment discrimination complaints internally.

³ Title I of the ADA specifically applies to employment and Title II of the ADA applies to public services.

**EEOC and
Education's OCR
Both Have Roles in
Addressing
Discrimination at
Institutions of Higher
Education**

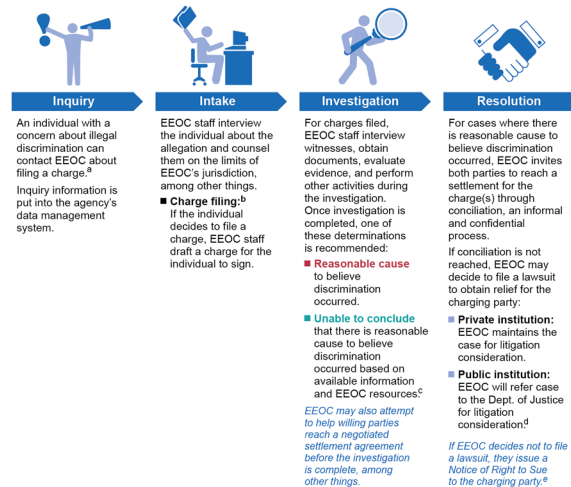
Both EEOC and Education's OCR receive individual complaints of employment discrimination in higher education.

EEOC promotes equal opportunity in the workplace and is the primary federal agency responsible for enforcing employment discrimination statutes.⁴ EEOC has 53 field offices throughout the country that handle discrimination complaints received by the agency. Once received, the complaints are captured in EEOC's data system and assigned to investigative staff.

EEOC investigative staff take steps to address employment discrimination complaints, which the agency refers to as charges (see fig. 1). EEOC files litigation in select cases against employers where it has determined there is reasonable cause to believe an employer engaged in employment discrimination. EEOC also reaches out to employers and the public to educate and prevent discrimination, among other things.

⁴ EEOC has jurisdiction over most employers with at least 15 employees. 42 U.S.C. §§ 2000e(b), 2000e-4.

Figure 1: General Overview of EEOC's Process for Addressing Employment Discrimination Complaints



Source: GAO analysis of Equal Employment Opportunity Commission (EEOC) procedures; GAO (icons). | GAO-24-107661

Note: This figure provides a general overview of the charge investigation process and does not include every possible path to file a charge or path a charge can take during a charge investigation. For example, in most instances, EEOC offers mediation to the parties to attempt to resolve a charge before a full investigation begins.

^aIn some circumstances, an individual, agency, or organization may file a charge on behalf of another person. In addition, an EEOC Commissioner can file a charge for investigation. See 29 C.F.R. § 1601.11.

^bMost laws enforced by EEOC require individuals to file a charge with EEOC before they can file an employment discrimination lawsuit against their employer.

^cIf EEOC is unable to conclude that there is reasonable cause to believe that discrimination occurred, or decides not to proceed further with its investigation, it will issue a Notice of Right to Sue to the charging party, which allows them to file a lawsuit against their employer. In making this determination, EEOC makes no decision regarding the merits of the allegations included in a charge.

^dFor some laws that EEOC enforces other than Title VII of the Civil Rights Act of 1964 or Title I of the Americans with Disabilities Act of 1990, EEOC, itself, has authority to litigate against public entities.

^eIn most cases, an individual alleging illegal discrimination may file a case in court only after the conclusion of EEOC's process.

OCR's mission is to ensure equal access to education and to promote educational excellence throughout the nation through vigorous enforcement of civil rights. OCR routes the discrimination complaints it receives to one of its 12 regional offices and assigns complaints to investigative staff members, according to officials.⁵ OCR investigative staff capture information about the complaints in OCR's data system and take steps to address the complaints.

A complaint can be filed with OCR by someone who experienced, witnessed, or heard about alleged civil rights violations in a school. An OCR investigator evaluates the information in the complaint against certain criteria to determine whether it constitutes a complaint subject to further processing. These criteria include whether the complaint: (1) falls within OCR's subject matter jurisdiction to investigate, (2) was filed in a timely manner, and (3) includes sufficient detail for OCR to infer that discrimination or retaliation may have occurred.

If the complaint meets the criteria, OCR will conduct an investigation. Alternatively, if the complaint does not meet the criteria, OCR dismisses the complaint, which could include a referral to EEOC, if appropriate.

⁵ Education's OCR may also open its own investigation as a compliance review to assess institutions' adherence to requirements.

Federal Agencies
Have Handled about
20,000 Employment
Discrimination
Complaints in Higher
Education since 2011,
but Had Issues with
Referral Timeliness
and Tracking

Thousands of Employment
Discrimination Complaints
in Higher Education Were
Filed with Education and
EEOC, Although the Vast
Majority Were Handled by
EEOC

Education's OCR

From fiscal years 2011 through 2021, about 20,000 complaints alleging employment discrimination at an institution of higher education were filed by faculty or other employees, according to our analysis of complaint data from Education's OCR and EEOC. Our analysis included all employees at higher education institutions—both faculty and other employees—who filed an employment discrimination complaint.

According to our analysis of OCR's discrimination complaint data, the agency received 1,944 total complaints by faculty or other employees that alleged employment discrimination at higher education institutions from fiscal years 2011 through 2022. Complaints alleging employment discrimination against higher education institutions accounted for about 1.4 percent of all complaints OCR opened in this time frame.⁶

⁶ "All complaints" refers to complaints filed against any type of entity (not just higher education institutions) under all statutes that OCR enforces.

EEOC

OCR refers a majority of the employment discrimination complaints it receives to EEOC for investigation consideration.⁷ From fiscal years 2011 through 2022, OCR referred 1,073 complaints alleging employment discrimination at institutions of higher education to EEOC for investigation consideration.⁸ In addition to referring complaints to EEOC, OCR may dismiss a complaint if it concurrently is filed in a state or federal court, or if it has been filed too late, among other reasons.

Our analysis of EEOC data found that the agency investigated 18,559 charges of employment discrimination against higher education institutions from faculty or other employees from fiscal years 2011 through 2021.⁹ These charges alleged employment discrimination under certain statutes based on race, color, religion, sex, national origin, or

⁷ Regulations issued by EEOC and the Department of Justice provide the steps required for interagency coordination of complaint processing for complaints of employment discrimination filed against recipients of federal financial assistance on the basis of race, color, religion, sex, or national origin. These steps include OCR determining if it has jurisdiction over an employment discrimination complaint and if the complaint should be referred or transferred to EEOC. In general in this statement and our March 2024 report, we refer to complaints originally filed with OCR but processed by EEOC as "referrals," though depending on jurisdictional determinations, the movement of the complaint from OCR to EEOC could be either a "transfer" or a "referral" to EEOC under the regulations. OCR may also refer complaints of employment discrimination filed against recipients of federal financial assistance on the basis of disability to EEOC if EEOC has jurisdiction for them. Otherwise, OCR refers such disability employment complaints to Justice's Civil Rights Division if OCR does not have jurisdiction.

⁸ For our analysis of referrals from OCR to EEOC, we used OCR's field for the date on which OCR closed the complaint. Because we limited the records we analyzed overall to those that OCR opened during fiscal years 2011 through 2022, our analysis may have excluded some complaints that were opened before fiscal year 2011 but closed during fiscal years 2011 through 2022. OCR maintains data on six types of complaint resolutions: (1) Dismissal, (2) Administrative Closure, (3) Early Complaint Resolution, (4) No Violation or Insufficient Evidence, (5) Closure with Change, and (6) Enforcement. In total, OCR resolved 72 percent of employment discrimination complaints closed from fiscal years 2011 through 2022 against a higher education institution via dismissal. Referring a complaint to another federal agency, such as EEOC, is considered a complaint dismissal. OCR resolved 28 percent of employment discrimination complaints it closed with allegations against higher education institutions in fiscal years 2011 through 2022 through methods other than dismissal. For example, these methods could include Closure with Change (reaching a resolution agreement when a violation is found).

⁹ These charges were based on Title VII of the Civil Rights Act or Title I of the ADA. In fiscal year 2021, EEOC processed 1,342 such charges.

disability, and account for 2 percent of all charges filed with EEOC during this time frame.¹⁰

Allegations of discrimination based on race, sex, and disability constituted a large majority of the charges EEOC received against higher education institutions, with allegations based on national origin, color, and religion being less common. In total, EEOC investigated an average of 1,366 charges per fiscal year alleging employment discrimination against higher education institutions based on race, color, national origin, sex, or religion.¹¹ EEOC investigated an average of 535 charges per fiscal year alleging disability-based employment discrimination against higher education institutions (see fig. 2).¹²

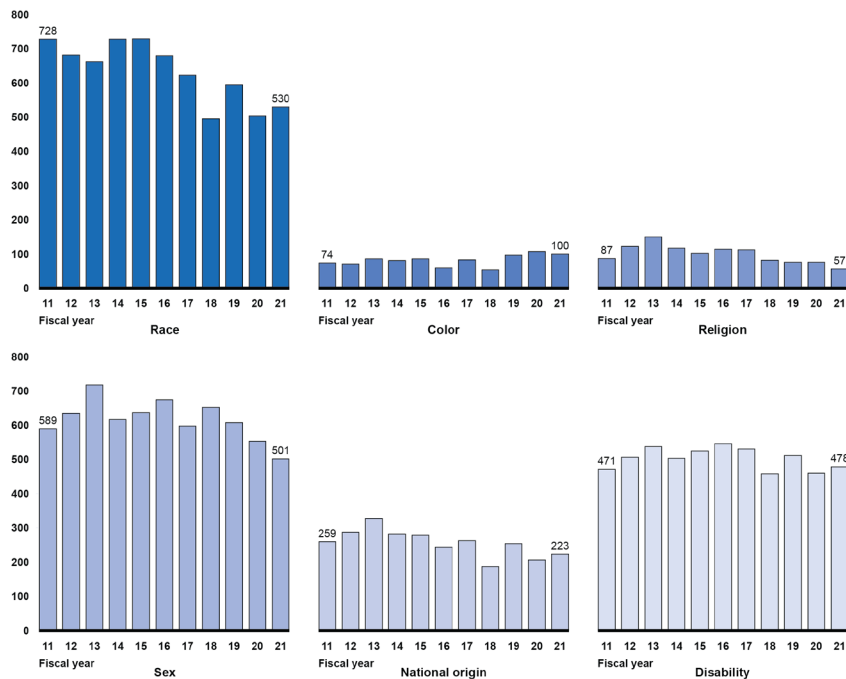
¹⁰ These charges were filed directly by individuals, were complaints referred from Education's OCR, or were from other sources, such as attorney-drafted charges, an EEOC Commissioner, or other federal agencies that refer complaints to EEOC. "All charges" refers to charges filed against any type of employer (not just higher education institutions) under all statutes that EEOC enforces.

¹¹ These represent unique charges under Title VII of the Civil Rights Act, each of which may include multiple bases (e.g., race, sex). See 42 U.S.C. § 2000e-2.

¹² These represent unique charges under Title I of the ADA.

Figure 2: Number of EEOC Discrimination Charges Alleged against Higher Education Institutions Under Certain Statutes, by Basis of Discrimination, Fiscal Years 2011–2021

Number of EEOC charges alleged against a higher education institution



Source: GAO analysis of Equal Employment Opportunity Commission (EEOC) data. | GAO-24-107661

Note: GAO's analysis included charges filed under Title VII of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, religion, sex, or national origin, and Title I of the Americans with Disabilities Act of 1990 (ADA), which prohibits employment discrimination on the basis of disability. Retaliation for asserting protected rights under Title VII of the Civil Rights Act and Title I of the ADA is also prohibited by those laws, but is not included in this figure for data clarity. GAO's analysis did not include charges filed under other laws that EEOC enforces. GAO's analysis

included all employees at higher education institutions—both faculty and other employees—who filed an employment discrimination charge with EEOC. GAO was not able to identify only charges from higher education faculty because EEOC charge data do not indicate the title or position of the individual complainant. This figure does not include EEOC's "Other" basis because there were few charges under this basis. A charge may be filed on more than one basis, thus the number of charges within a fiscal year across bases should not be summed.

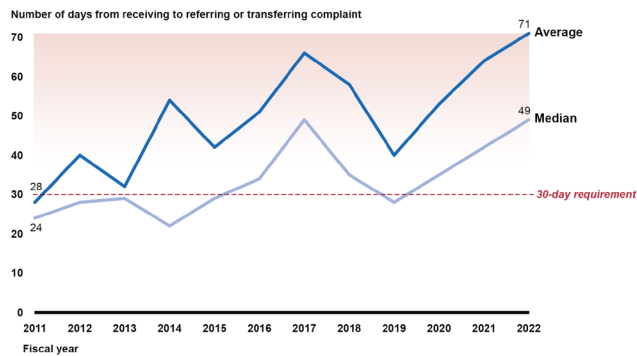
**A Majority of Education's
Employment
Discrimination Complaint
Referrals Were Late**

OCR made untimely referrals of employment discrimination complaints to EEOC from fiscal years 2011 through 2022. OCR's Case Processing Manual states that within 30 calendar days of receiving certain employment discrimination complaints, OCR will determine whether EEOC may have jurisdiction and if so, refer the complaint to EEOC, as appropriate.¹³ However, we found that in fiscal year 2022 OCR referred 72 of 99 such complaints after the 30-day deadline.¹⁴ The percentage of OCR's complaints referred to EEOC after 30 days has increased from 40 percent in fiscal year 2011 (17 of 42) to 73 percent in fiscal year 2022 (72 of 99), according to our analysis. In fiscal year 2022, we found that OCR took an average of 71 days to refer complaints to EEOC (see fig. 3).

¹³ The 30-day requirement has been in OCR's Case Processing Manual since at least May 2008.

¹⁴ For our analysis of referrals from OCR to EEOC in this section and our March 2024 report, we used OCR's field for the date on which OCR closed the complaint. Because we limited the records we analyzed overall to those that OCR opened during fiscal years 2011 through 2022, our analysis may have excluded some complaints that were opened before fiscal year 2011 but closed during fiscal years 2011 through 2022.

Figure 3: Average Number of Days for Education's OCR to Refer Certain Higher Education Employment Discrimination Complaints to EEOC, Fiscal Years 2011–2022



Source: GAO analysis of Department of Education's Office for Civil Rights (OCR) data on Title VI of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972. | GAO-24-107661

Note: The data in this figure only include employment discrimination complaints OCR categorized under Title VI of the Civil Rights Act or Title IX, which have an OCR policy requirement to be referred or transferred to the Equal Employment Opportunity Commission (EEOC), if applicable, within 30 days. Complaints of employment discrimination that OCR categorizes under Title II of the Americans with Disabilities Act of 1990 or Section 504 of the Rehabilitation Act of 1973, and refers or transfers to EEOC, do not have a comparable referral or transfer deadline. For GAO's analysis of referrals and transfers from OCR to EEOC, GAO used OCR's field for the date on which OCR closed the complaint. Because GAO limited the records analyzed overall to those that OCR opened during fiscal years 2011 through 2022, GAO's analysis may have excluded some complaints that were opened before fiscal year 2011 but closed during fiscal years 2011 through 2022.

In creating the 30-day requirement, one consideration was protecting the rights of complainants. OCR and EEOC officials acknowledged that referral delays could delay complaint investigations and negatively affect individuals filing an employment discrimination complaint. For example, these delays could make the complaints more challenging for EEOC to investigate. In addition, an individual who waits longer for a complaint to be resolved and remains employed at the institution could have additional exposure to discriminatory behavior, which research suggests could affect both their mental and physical health. While waiting for complaints to be addressed, individuals who filed complaints related to hiring or promotion could also have less income and employers may incur ongoing staff costs and legal fees.

OCR officials said they aim to meet the requirement and process complaints in a timely manner, but that evaluating employment discrimination complaints within 30 days, including gathering sufficient details to determine jurisdiction, presents a significant challenge. Yet, even in the current environment, we found that 27 percent (27 of 99) of complaints in fiscal year 2022 were referred to EEOC within the required 30 days. Assessing and learning from these instances of timely complaint processing could inform efforts to reduce delays for other complaints.

However, OCR does not track the extent to which its regional offices are meeting the 30-day referral requirement. Federal internal control standards state that entities should use quality information to achieve objectives and should establish monitoring activities to evaluate results.¹⁵ This would include tracking, collecting, and evaluating information on the extent to which regional offices meet OCR's 30-day requirement to refer certain complaints to EEOC, and how the process could be improved.

We recommended in our March 2024 report that Education track the number of days it takes regional offices to refer employment discrimination complaints to EEOC and use the information to develop a plan to reduce referral delays. Such a plan could include applying good practices from certain regional offices agency-wide, or reallocating resources.

Education agreed with our recommendation and stated that it will develop a system to track the number of days it takes to refer employment discrimination complaints to EEOC. Education said it will periodically review the new data to identify any effective measures to reduce referral times, and make appropriate changes, depending on available resources. We will continue to monitor Education's actions toward implementing this recommendation, which is critical to lessening the negative effects of delays on both higher education employees and employers.

EEOC Cannot Confirm Whether It Received and Handled All Referrals

EEOC could not confirm that it received all of OCR's referred employment discrimination complaints, as of October 2023.¹⁶ Our analysis of EEOC and OCR complaint data found that EEOC's records did not reflect the same number of employment discrimination complaints that OCR's

¹⁵ GAO, *Standards for Internal Control in the Federal Government*, GAO-14-704G (Washington, D.C.: September 2014), principles 13 & 16.

¹⁶ In addition to complaint referrals from OCR, EEOC may also receive complaint referrals from other federal entities.

records indicated were referred. We found that OCR had referred more complaints to EEOC than EEOC recorded as received.

For example, we noted one recent complaint referred by OCR that EEOC did not initially record. OCR officials told us one of its regional offices emailed a complaint to an EEOC field office in November 2022, but it was not received by EEOC. This error was discovered months later when the complainant was told by EEOC that the complaint had never been received. In February 2023, OCR verified it had used the correct EEOC field office email address and re-sent the complaint for processing.

In response to this incident, OCR officials told us that in February 2023, the EEOC field office agreed going forward to confirm receipt of a complaint referral by sending an email back to OCR with an EEOC case number. However, the practice of confirming receipt of referrals is not consistent across EEOC field offices.

EEOC acknowledged that it still cannot confirm whether it has received and processed 100 percent of OCR's referrals. In response to our work, EEOC conducted an additional analysis of the OCR referrals; however, it still could not locate 33 referrals OCR had sent.

After receiving our preliminary findings, EEOC officials said that EEOC and OCR plan to formally communicate regarding complaint referrals and that EEOC will develop a protocol to document and track the referral of complaints from OCR to EEOC, including sharing lists of referrals. According to EEOC officials, such a protocol will enable EEOC to determine whether the agency has received all OCR referrals and follow up as needed. As of October 2023, EEOC was continuing to develop the protocol, but it had not been finalized.

Given EEOC's responsibilities for addressing employment discrimination complaints, it is essential for it to track and process all OCR complaint referrals. Further, federal internal control standards state that agencies should use quality information to achieve objectives, and should monitor and remediate any deficiencies within their control systems on a timely basis.¹⁷

We recommended in our March 2024 report that EEOC develop and finalize a protocol to ensure that its field offices receive and process all

¹⁷ GAO-14-704G, principles 13, 16, and 17.

complaint referrals from Education. The protocol could include: consistently documenting the referrals in its new data system; communicating regularly with Education on the number of complaint referrals Education sends to EEOC and the number EEOC receives from Education; and reconciling any differences in the number of complaints sent and received.

EEOC neither agreed nor disagreed with our recommendation, but stated the importance of ensuring that all referrals from Education's OCR are received and processed. EEOC stated that it adopted an interim protocol with OCR in November 2023 to ensure receipt of all complaint referrals from OCR. Specifically, OCR is to copy EEOC headquarters officials when it refers a complaint to the appropriate EEOC field office. According to EEOC, this allows it to maintain a complete and centralized record of all OCR referrals to determine if EEOC has received all OCR referrals and whether follow-up with OCR is needed. When this interim protocol is finalized, we will review it to determine if it meets the intent of our recommendation and helps ensure that EEOC receives and processes all complaint referrals from Education.

Chairman Kiley, Ranking Member Adams, and Members of the Subcommittee, this completes my prepared statement. I would be pleased to respond to any questions that you may have at this time.

GAO Contact and Staff Acknowledgments

If you or your staff have any questions about this testimony, please contact Melissa Emrey-Arras; Director, Education, Workforce, and Income Security; at (617) 788-0534 or emreyarrasm@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this statement. GAO staff who made key contributions to this testimony are Will Colvin (Assistant Director), Jose Altamirano, Ed Bodine, Andrea S. Dawson, Abby Marcus, Aaron Olszewski, Julie Phipps, and Adam Wendel. Additional contributors to the prior work on which this testimony is based are listed in our March 2024 report.

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Chairman KILEY. Thank you. I now recognize Professor Golden.

**STATEMENT OF PROFESSOR DAFNA GOLDEN, GEOGRAPHY
PROFESSOR, MT. SAN ANTONIO COLLEGE, WASHINGTON, D.C.**

Ms. GOLDEN. I am here today to share the distressing experiences I have endured at Mt. San Antonio College, also known as Mount SAC, as a Jewish professor in the wake of the October 7th terrorist attacks in Israel.

I have experienced an antisemitic, hostile environment at Mt. SAC. An antisemitic discrimination specifically directed at me, which Mt. SAC, my employer, has failed to properly remedy, or protect me from. The discrimination began when I expressed concerns to the administration regarding a professor's planned screening of an offensive and antisemitic film, the Occupation of the American Mind.

The film's central thesis is that leaders of major Jewish organizations use their power to control Americans into supporting Israel and is basically a screen version of the protocols of the elders of Zion. The film serves no academic purpose. It is propaganda, pure and simple, better suited for class as an example of hate speech, or antisemitism.

In response to my objections, and to their credit, the equity center withdrew its support for the film. Nonetheless, the professor continues to show this film in his unrelated American history classes. In retaliation for voicing my objections to the film, the professor instigated a campaign of harassment against me by email, and by making statements to their classes, falsely labeling me a violent Zionist, and former soldier in the IDF, both of which are false.

Inciting his students to stand up to me. A Jewish student in the professor's Mexican American history class documented these actions, including a disturbing incident where the professor mimicked a Nazi salute. Individuals associated with the notorious antisemitic organization on campus vandalized the bulletin board outside my office, by removing my Israeli flag, and pro-Israel articles, and replacing them with anti-Israel propaganda, including a flyer with demands to renounce the pro-Zionist, remove the pro-Zionist library display, and declare support for Palestine.

As a geography professor, I have installed a perfectly normal, non-ideological academic display at the school library about Israel's changing borders. The library reported that due to student complaints and division in the community, they removed the display.

My profile on Rate my Professor.com was bombarded with fake, negative reviews. Students making public comments to the Board of Trustees demanded that I be fired and declared a boycott of my classes. My spring semester on campus class was then canceled, due to low enrollment, limiting me to online teaching.

My lack of on-campus presence has deteriorated crucial, collaborative relationships. My attempts to engage with key faculty and administration have been ignored, leaving the pervasive antisemitism on campus unaddressed. Like so many of my Jewish colleagues at colleges across the country, the general antisemitic hostile environment turned to focus on me directly because I am a Jew, because I will not hide or reject my connection as a Jew to the Jewish State, and the Jewish people.

I reported these incidents to the Deans and to the human resources office. H.R. found the complaint to be unsubstantiated, in part because the student who documented the professor's actions did not want to submit a statement out of fear of retaliation and harassment.

Therefore, the H.R. office took no disciplinary actions. The professor continues leading protests with students, demanding reinstatement of the screening of the antisemitic film, and the professor continues to show the film in their classes. This hostile environment has significantly impacted my professional duties and relationships.

As a result of the toxic atmosphere, and severe impact on my mental health, and my professional standing, and the refusal of my employer to protect me and my workplace, I have decided to transition out of academia as soon as possible. I urge this body to take immediate and decisive actions to address this rampant antisemitism, and restore a safe, respectful, and inclusive environment for faculty and staff on college campuses, no less than what is expected in any workplace. Thank you.

[The prepared statement of Ms. Golden follows:]

U.S. House of Representatives

Committee on Education and the Workforce

Subcommittee on Workforce Protections

**COMBATING WORKPLACE ANTISEMITISM IN POSTSECONDARY
EDUCATION: PROTECTING EMPLOYEES FROM DISCRIMINATION**

June 26, 2024

Written Testimony

Professor Dafna Golden

Mt. San Antonio College, California

My name is Dafna Golden. For twenty-three years I have been employed as a Geography Professor at Mt. San Antonio College ("Mt. SAC"), located in the eastern part of Los Angeles County, California.

I am here today to share the distressing experiences I have endured at Mt. SAC as a Jewish professor in the wake of the October 7, 2023, terrorist attack in Israel.

I have experienced an anti-Semitic hostile environment at Mt. SAC and anti-Semitic discrimination specifically directed at me, which Mt. SAC – my employer -- has failed to properly remedy or protect me from. Mt. SAC is my workplace, and in my opinion, this is unacceptable and illegal in any workplace.

The discrimination began in earnest when I expressed concerns to the administration regarding a professor's planned screening of an offensive and anti-Semitic film, "The Occupation of the American Mind," just weeks after the October 7th attack. Narrated by the notorious anti-Semite Roger Waters, the film's central thesis is that a cabal of "leaders of major Jewish organizations" have conspired to use their power to control and thus "occupy" the minds of innocent Americans so that they would support Israel. The movie is basically a screen version of The Protocols of the Elders of Zion and serves no academic function.

In response to my objections, the Equity Center withdrew its support for the event which meant that the film would not be screened campus-wide. However, the professor continues to show this film in his classes on US History, Mexican

American History and Native American History; classes that are unrelated to the movie's topic.

In retaliation for voicing my objections to the film, the professor – my co-worker, mind you – instigated a campaign of harassment against me by emailing his entire class falsely labeling me a “violent Zionist” and a “former soldier in the IDF,” both of which are false, and inciting his students “to stand up” to me. He also repeated these statements in-person to his entire class. A Jewish student in the professor’s Mexican American History class documented these actions, including a disturbing incident where the professor mimicked a Nazi salute in class.

Individuals associated with a notorious anti-Semitic organization on campus, Shut It Down 4 Palestine, then vandalized the bulletin board outside my office by removing my Israeli flag and pro-Israel articles, and replacing them with anti-Israel propaganda, including a flyer with demands to “Renounce the Pro-Zionist,” “Remove the Pro-Zionist library display,” and “Declare support for Palestine.” See Exhibit 1.

I had installed a perfectly normal, non-ideological, academic display at the school library on Israel’s changing borders from prior to the establishment of the state until the present time (remember, I teach Geography). See Exhibit 2. The display included books such as, “Coexistence & Reconciliation in Israel,” and even included two sets of both the Israeli and Palestinian flags. The library reported that, due to student complaints and division in the community, they removed the display.

My profile on RateMyProfessors.com was bombarded with fake negative reviews. Students making public comments at the open meeting of the Mt. SAC Board of Trustees demanded that I be fired and declared a boycott of my classes. My spring semester on-campus class was then canceled due to low enrollment, limiting me to online teaching. My lack of on-campus presence has deteriorated crucial collaborative relationships, essential for the multi-disciplinary program I manage. My colleagues' reactions during virtual meetings and their reluctance to engage with me professionally underscore the prevalent hostility. My attempts to engage with key faculty and administration, including the head of the Ethnic Studies department, the President of the Faculty Academic Senate and the President of Mt. SAC, have been ignored, leaving the pervasive anti-Semitism on campus unaddressed.

Like so many of my Jewish colleagues at colleges across the country, the *general* anti-Semitic hostile environment turned to focus on me *directly* – because I am a Jew; because I won't hide or reject my connection *as a Jew* to the Jewish state and the Jewish people.

I reported these incidents to the Deans of Humanities and Social Sciences including the professor's emails to his students and a recording of the oral statements he made to the class. The Deans have not shared with me if any remedial action has been taken. Nevertheless, the professor continues leading protests with students demanding reinstatement of the screening of the anti-Semitic film "Occupation of the American Mind." The professor also continues to show the film in his unrelated classes on US History, Mexican American History and Native American History.

I also filed a complaint with Human Resources Office at Mt SAC. The complaint included the professor's emails to his students and a recording of the oral statements he made to the class. The office found it be unsubstantiated, in part because the student who documented the emails and voice recordings did not want to submit a statement to the Human Resources Office out of fear of retaliation and harassment, and therefore the Human Resources Office took no disciplinary actions against the professor who directed harassment toward me. My employer – Mt. San Antonio College – refuses to act; refuses to take any disciplinary action. And my employer – Mt. SAC – did not help me; did not protect me; and did not fulfill its responsibilities under the law.

This is not about my hurt feelings, but about real and serious adverse impacts on my employment; on my career. This hostile environment has significantly impacted my professional duties and relationships. As a result of the toxic atmosphere and the severe impact on my mental health and professional standing, and the refusal of my employer to protect me in my workplace, I have decided to transition out of academia as soon as possible.

I urge this body to take immediate and decisive actions to address this rampant anti-Semitism and restore a safe, respectful, and inclusive environment for faculty and staff on college campuses, no less than what is expected in any workplace.

Thank you.

EXHIBIT 1

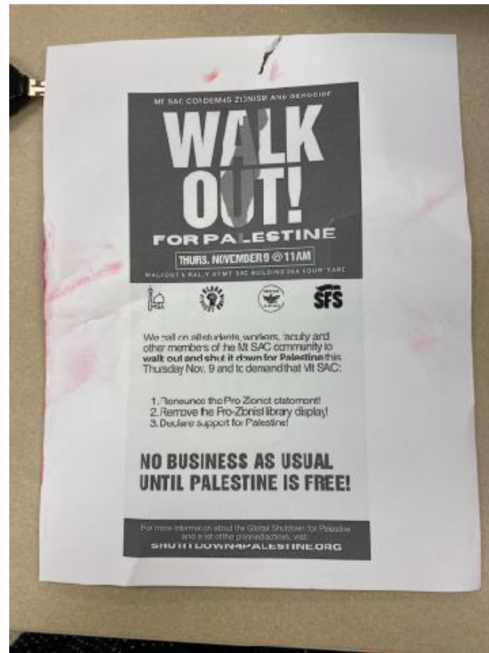


EXHIBIT 2



Chairman KILEY. Thank you very much. Under Committee Rule 9, we will now question witnesses under the 5-minute Rule. They have just called votes, so we are going to do one round of questions, and then we will have a brief recess for votes. I now recognize the Chairwoman of the full Education and the Workforce Committee, Dr. Virginia Foxx.

Mrs. FOXX. Thank you, Chairman Kiley, and thanks to our witnesses for being here today. Mr. Rienzi, UCLA has been a hotbed of pervasive antisemitism. When UCLA Chancellor Gene Block testified before this Committee on May 23, I asked him how many students have been expelled or suspended for antisemitic conduct, and how many staff have been disciplined.

He responded that there are more than 100 active investigations, but he did not say that any student has been expelled or suspended, or that any staff has been disciplined. Could you discuss the lawsuit Becket has filed on behalf of Jewish UCLA students against the university, and whether UCLA failed to take appropriate action to protect these students' rights.

Mr. RIENZI. Certainly, Chairwoman Foxx. The lawsuit we filed was on behalf of three students at the University of California Los Angeles, two law students, and one undergraduate student. Each of them endured vile, antisemitism while at UCLA, and each was excluded from passing through central parts of campus due to the encampment that was there.

These are students who are tuition paying students. They have every right to be on the campus, as much as anybody of any other religion, or any other national origin, but they were not able to do it because UCLA allowed the encampment to be set up.

I should point out that the encampment was a violation of UCLA's own policies that they allowed. UCLA is a public institution, and does allow First Amendment speech and protest, but it does not allow the taking over of parts of campus. It does not allow blocking other people from going about their business. UCLA knew that was going on.

It ordered its police not to intervene. It hired extra security to send the Jewish kids around, and so our students have been deprived of their ability to access the campus. I should say, I wish it stopped a month ago, but it has not. As recently as June 10th, UCLA acknowledged that they had another encampment that stopped students from accessing campus, and getting to exams.

Mrs. FOXX. Thank you. Professor Keating, your written testimony notes that every May at UCSD for many years, Students for Justice in Palestine have led a week of anti-Israel activities called Justice in Palestine week, which is informally known as Israel Apartheid Week.

How many years has this annual event taken place, and what kinds of activities does it entail?

Mr. KEATING. Thank you, Dr. Foxx. The annual event, which informally by students at least, is called Israel Hate Week, takes place between Israel Independence Day and the Holocaust Remembrance Day, it is time to do that.

Typically, what is found there are huge billboards taking over the entire common area, leading up to the student library. Sometimes they include checkpoints where there will be mock Israeli defense uniforms being worn by some of the Students for Justice in Palestine, and other folks, people wearing full head coverings, masks, et cetera, chanting slogans, depicting the State of Israel completely eliminated from the map of the Middle East, replaced by a Palestinian flag.

There are oftentimes events co-held on campus at the exact same time, bringing in outside speakers that are then the time to act as sort of a bullwork against students or faculty members that wish to counter the examples that are presented, extremely biased narrative of the events of the Middle East.

It becomes a very intimidating, intolerable location at the center of our campus student union for most students to talk by for an entire week on campus.

Mrs. FOXX. Thank you very much. Professor Golden, you have talked about your experiences at Mt. San Antonio College, and you have told us that you are planning to leave academia when you can. Can you discuss whether you prefer to remain at your college, and continue teaching if you are not subject to antisemitic environment?

Ms. GOLDEN. Of course I would prefer for the administration to address the antisemitism. I love my job, but this toxic environment feels like a deliberate attempt to force me out, pushing me to consider moving to Israel, where I can live and work as a Jew without persecution. Teaching geography has been my life's work, but the situation harms not only me, but my students.

My classes are being politicized and boycotted, making it impossible for me to teach effectively.

Mrs. FOXX. Thank you, Mr. Chairman, and again, thanks to our witnesses. I yield back.

Chairman KILEY. Pursuant to the previous order, the Chair declares the Subcommittee in recess, subject to the call of the Chair for votes on the House floor. We will reconvene immediately following the last vote of the series. It looks like it is a short vote series, so we should be back pretty soon. Thank you. The Committee—Subcommittee stands in recess.

[Recess.]

Chairman KILEY. The Subcommittee will reconvene and come to order. I now recognize the Ranking Member for 5 minutes.

Ms. ADAMS. Thank you, Mr. Chairman, and again, thank you to the witnesses. I certainly am interested in what we are talking about today. I am a retired 40-year college professor and administrator, so I certainly appreciate what you do, and I have been a part of that.

Ms. Emrey-Arras, if an employee believes that their employer has engaged in discrimination, or other unlawful acts against them in violation of Title 7, there are several potential legal claims that they must pursue. What are the most common types of alleged discriminatory practices that GAO found when it analyzed employment discrimination complaints against colleges and universities under Act 7 of the Civil Rights Act?

Ms. EMREY-ARRAS. Thank you so much for that question. In our analysis of EEOC discrimination complaint data, this is for all types of cases, we found that losing one's job was a significant issue in many of the complaints, as was the terms and conditions of employment, which could involve being in a discriminatory work environment.

We also found issues of harassment, discipline, and wages were common complaints as part of the EEOC complaint data.

Ms. ADAMS. Thank you. Based on GAO's analysis of EEOC data, how does the frequency of religious discrimination charges against higher education institutions compare to other types of discrimination charges?

Ms. EMREY-ARRAS. Well, there were quite a few complaints regarding religious issues. In fact, as I mentioned, over 1,000 charges related to religious discrimination. Those were a smaller portion of the complaints compared to other categories. For example, there were close to 7,000 charges related to racial discrimination, and similarly, close to 7,000 related to discrimination based on sex.

Ms. ADAMS. Okay, thank you. Even if an academic institution hires from a diverse applicant pool, retention is just as important in maintaining a diverse workforce. Discrimination may continue to contribute to a professor's decision to leave a position, and you've heard some of that.

Based on your review of the issue of faculty diversity and employment discrimination in higher ed, can you talk a little bit about how discrimination and other factors may contribute to a faculty member's decision to leave their position?

Ms. EMREY-ARRAS. I think there are certain issues that we found based on our work that could contribute. You sort of see this on the flip side of what colleges are trying to do to stem the tide on that front, and to maintain retention of diverse faculty. Mentoring has been key, according to the colleges that we have interviewed.

They think it is important that faculty have early mentoring, that they get mentoring later on for key career stages. It is also helpful for faculty to have a strong work life balance, and to feel supported at their colleges.

Ms. ADAMS. Okay. Are there metrics on record that speak to how something—like a person's given name—can play a part on whether they are discriminated against, or not, during when they are seeking employment?

Ms. EMREY-ARRAS. I am sorry, can you repeat the question?

Ms. ADAMS. Well, would a person's name, given name, or any other factors play a part whether they are discriminated against?

Ms. EMREY-ARRAS. In terms of our work, we found that it is important to have a diverse hiring pool as part of the search committee, to help address any potential bias in a selection process, which could relate to bias based on someone's name and ethnicity.

Ms. ADAMS. Okay. GAO's report highlighted untimely referrals of complaints alleging employment discrimination at institutions and so forth, so how might the delays in referrals to EEOC impact individual complaints and EEOC's work to address employment discrimination at institutions of higher ed?

Ms. EMREY-ARRAS. The delays would affect things on several levels. On one level, complaints are being investigated just frankly later, so the case would be less fresh for EEOC to investigate. In addition, individuals who are experiencing discrimination could continue to experience discrimination during those delays. That could mean that they can continue to be working in a hostile work environment.

They could continue to go without pay from promotions or from positions and suffer financially during that period.

Ms. ADAMS. Yes. The information that I have indicates that the delays have only increased in the last 10 years, with 73 percent of referrals from OCR to EEOC. I just want to add that we know that you have taken a 25 percent cut, and those things impact, and Mr. Chairman, I would like to enter into the record two articles, one from the Jewish Insider, and a letter from 91 Civil Rights Groups.

Chairman KILEY. Without objection.

[The information of Ms. Adams follows:]

June 7, 2024

The Honorable Patty Murray
Chair
Senate Committee on Appropriations
Washington, DC 20510

The Honorable Susan Collins
Vice Chair
Senate Committee on Appropriations
Washington, DC 20510

The Honorable Tammy Baldwin
Chair
Senate Committee on Appropriations
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
Washington, DC 20510

The Honorable Shelly Moore Capito
Ranking Member
Senate Committee on Appropriations
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
Washington, DC 20510

The Honorable Tom Cole
Chairman
House Committee on Appropriations
Washington, DC 20515

The Honorable Rosa DeLauro
Ranking Member
House Committee on Appropriations
Washington, DC 20515

The Honorable Robert Aderholt
Chairman
House Committee on Appropriations
Subcommittee on Labor, Health and Human
Services, Education, and Related Agencies
Washington, DC 20515

Dear Chair Murray, Vice Chair Collins, Chair Baldwin, Ranking Member Capito, Chairman Cole, Ranking Member DeLauro, and Chairman Aderholt:

As you finalize appropriations for Fiscal Year (FY) 2025 in your chambers, the undersigned national Jewish organizations, which reflect the depth and breadth of American Jewish life, are united in asking your urgent support to combat growing antisemitism on university campuses. Specially, we urge you to provide the highest possible funding to the U.S. Department of Education's Office for Civil Rights (OCR) so that it can be empowered with the resources it needs to protect the safety and civil rights of every student.

Jewish students have been experiencing rising antisemitism on their campuses for too long, and after October 7th, reports skyrocketed. ADL has since tracked more than 700 antisemitic incidents on college and university campuses,¹ and, according to a recent ADL and Hillel International study, nearly three-quarters of Jewish college students experienced or witnessed antisemitism in the first semester of the 2023-2024 school year. What is more, less than half (46 percent) of Jewish students reported feeling physically safe on their campuses,

¹ <https://www.adl.org/resources/report/audit-antisemitic-incidents-2023>

falling from two thirds (66.6 percent) before October 7.² According to AJC, one in five current or recent Jewish students, including parents of current or recent college students, reported feeling or being excluded from a group or event because they are Jewish.³

OCR enforces civil rights laws, including Title VI of the Civil Rights Act of 1964, which prohibits discrimination in programs or activities that receive federal financial assistance. Right now, OCR is facing a surge in reported cases, with a caseload of more than 100 Title VI investigations since October 7, including cases raising concern regarding discriminatory harassment of Jewish students on college and university campuses. They are grappling with the highest number of complaints in their history while the number of full-time staff has decreased by over 10%.⁴

OCR has demonstrated a clear commitment to investigating these complaints and is also doing critical work educating students and institutions of higher education about federal civil rights laws, how students can file complaints, and what resources exist for students, colleges and universities.

It is Congress's responsibility to ensure that OCR has the resources it needs to conduct immediate and robust investigations into these complaints. OCR cannot protect the rights, safety, and wellbeing of students if it does not have adequate resources to appropriately investigate and respond to its increased caseload.

We urge you to include robust funding in the upcoming Labor, Health and Human Services, Education and Related Agencies appropriations bills to ensure the Department of Education has the necessary resources to address growing antisemitism on campus.

Sincerely,

ADL (Anti-Defamation League)
Alpha Epsilon Phi Sorority
Alpha Epsilon Pi
American Jewish Committee
B'nai B'rith International
Combat Antisemitism Movement (CAM)
Conference of Presidents of Major American Jewish Organizations
Hadassah, The Women's Zionist Organization of America
Hillel International
Jewish Council for Public Affairs
Jewish Federations of North America
Jewish Grad Organization (JGO)
Jewish on Campus
Olami

² <https://www.adl.org/resources/report/campus-antisemitism-study-campus-climate-and-after-hamas-terrorist-attacks>

³ [New AJC Report: 46% of American Jews Altered Behavior Out of Fear of Antisemitism | AJC](#)

⁴ [FY 2023 Annual Report - Report to THE PRESIDENT and SECRETARY OF EDUCATION](#)

National Council of Jewish Women
Rabbinical Assembly
Sigma Alpha Mu Fraternity
Sigma Delta Tau
StandWithUs
Union for Reform Judaism
Union of Orthodox Jewish Congregations of America
Zeta Beta Tau Fraternity
Zionist Organization of America (ZOA)

JEWISHINSIDER

**The Leadership Conference
on Civil and Human Rights**

1620 L Street, NW
Suite 1100
Washington, DC
20036
202.466.3311 voice
202.466.3435 fax
www.civilrights.org



February 14, 2024

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Double the Funding for the Department of Education's Office for Civil Rights

Dear President Biden,

On behalf of The Leadership Conference on Civil and Human Rights, a coalition charged by its diverse membership of more than 240 national organizations to promote and protect the civil and human rights of all persons in the United States, and the 91 undersigned organizations, we urge you to double the funding for the U.S. Department of Education's ("the department") Office for Civil Rights (OCR) to \$280 million in your FY2025 request to Congress. The Leadership Conference appreciated the \$178 million requested for FY2024; however, this vital office, central to the function of the department as a whole, has been sorely underfunded for far too long.

OCR has a unique responsibility to enforce core nondiscrimination statutes in schools. These statutes, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, and the Age Discrimination Act of 1975, prohibit discrimination in schools on the basis of race, color, national origin (including language status and shared ancestry), sex (including sexual orientation, gender identity, pregnancy and related conditions, parenting status, and sex characteristics), disability, and age. Congress passed these laws in response to the widespread denial of equal protection and equal opportunity by states, districts, and schools. Although considerable progress has been made in the decades since these laws were passed, they continue to serve a vital function in the face of ongoing discrimination.

OCR's enforcement, policy, technical assistance, and data responsibilities have considerable impact on whether or not students' access to equal educational opportunities are meaningful and whether the rights of marginalized students to receive the supports and opportunities they deserve to achieve their dreams are actualized. These responsibilities are central to the work of the Department of Education. When the department was established in 1980, there were only 41 million students in public schools and only 12 million students enrolled in institutions of higher education. Today, there are 51 million K12 students and 20 million students enrolled in higher education, representing a significant increase in the number of students the department must serve. OCR has been woefully underfunded for many years,

Officers
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Judith L. Lichtman
National Partnership for
Women & Families
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Thomas A. Saenz
Mexican American Legal
Defense and Educational Fund
Secretary
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National Women's Law Center
Treasurer
Lee A. Saunders
American Federation of State,
County and Municipal Employees

Board of Directors
Abdel Ayoub
American-Arab
Anti-Discrimination Committee
Gloria L. Blackwell
AAUW
Shawn Fain
International Union, UAW
Jocelyn Frye
National Partnership for
Women & Families
Jonathan Greenblatt
Anti-Defamation League
Mary Kay Henry
Service Employees International Union
Damon Hewitt
Lawyers' Committee for
Civil Rights Under Law
David H. Inoue
Japanese American Citizens League
Virginia Kase Solomon
League of Women Voters of the
United States
Marc Morial
National Urban League
Janet Murguia
UnidosUS
Svenja Myrick
People For the American Way
Janai Nelson
NAACP Legal Defense and
Educational Fund, Inc.
Christian F. Nunes
National Organization for Women
Rabbi Jonah Pesner
Religious Action Center
of Reform Judaism
Rebecca Pringle
National Education Association
Lisa Rice
National Fair Housing Alliance
Kelley Robinson
Human Rights Campaign
Anthony Romero
American Civil Liberties Union
Liz Shuler
AFL-CIO
Fawn Sharp
National Congress of American Indians
Maria Town
American Association of
People with Disabilities
Randi Weingarten
American Federation of Teachers
John C. Yang
Asian Americans Advancing Justice |
AAJC

President and CEO
Maya Wiley



especially when comparing the number of staff to the number of complaints. Although OCR received more than six times as many complaints in 2022 as the office received in 1981, the number of staff was cut in half over that same time period.¹ OCR's overall staffing has steadily declined since FY1981, falling from nearly 1,100 full-time staff to just 546 in FY2022.² Furthermore, we have seen a 187 percent increase in the number of complaints that OCR received between 2008 and 2019.³ That trend has continued, and OCR saw its greatest number of complaints filed in 2023 — almost 19,000. We expect the number of complaints to surpass that number in OCR's next report.

In addition to the new complaints filed every year, OCR also has more than 13,000 pending investigations dating back nearly two decades. While we commend OCR for resolving 16,515 cases in 2022, the second highest number of complaints in the office's history, the office is still faced with a civil rights crisis in which generations of students are at risk of experiencing discrimination without adequate protection from federal civil rights laws.⁴ With the proliferation of racist, sexist, ableist, and anti-LGBTQI+ policies at the school district, state, and federal levels attacking the rights of students to be who they are, censoring their access to inclusive, accurate curricula, and promoting increased surveillance of their bodies, students now more than ever need vigorous enforcement of civil rights laws by OCR.

Federal antidiscrimination laws are critical tools, especially in today's climate, and OCR must urgently be provided the necessary resources to meet the moment. Students, families, communities, and Congress will not receive vigorous enforcement of civil rights laws as long as the office is denied the resources needed to fulfill its congressional mandate.⁵ The proposed budget must provide robust funding for OCR to ensure that the office, as well as the Department of Education, can carry out its most essential duties, including through:

Accurate, Timely, and Accessible Data from the Civil Rights Data Collection (CRDC)

OCR is responsible for collecting and reporting the data needed to identify where students do — and do not — have equal opportunity in education. The CRDC plays an important role in helping OCR satisfy its civil rights responsibilities and provides schools with a vital tool to address disparities. Disaggregated data reported in the CRDC by race, ethnicity, native language, socioeconomic status, English learner status, disability status, disability type, and sex (including sexual orientation and gender identity) provide critical information about students' experiences in schools and whether all students have equal access to education.⁶

¹ See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2013-14.pdf> and <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2016.pdf>.

² See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>

³ See: <https://www2.ed.gov/about/overview/budget/budget19/justifications/z-ocr.pdf>.

⁴ See: <https://www2.ed.gov/about/reports/annual/ocr/report-to-president-and-secretary-of-education-2022.pdf>

⁵ OCR's mission is to ensure equal access to education and to promote educational excellence through vigorous enforcement of civil rights in our nation's schools. See: <https://www2.ed.gov/about/offices/list/ocr/index.html>

⁶ The civil and human rights community has long pressed for additional data to be collected and disaggregated to ensure the department, lawmakers, and stakeholders have the clearest and most accurate picture of our education system to direct resources and effect policy change as needed. For example, the civil rights community has advocated for school discipline data to be disaggregated to include the reasons for disciplinary action and has urged the collection of data on informal removals, incidents of school-based law enforcement use of force against students, and uses of school surveillance and other artificial intelligence tools.



Effective data collection and dissemination are necessary for evaluation and review of all other programs and activities. OCR must be sufficiently funded to conduct universal annual data collection and to ensure the security and accuracy of that data. Insufficient funding for OCR has limited the scope, frequency, and public accessibility of the CRDC, hampering the ability of the department to fulfill its legal obligations and undermining our shared interest in providing the best education for every child.⁷ The department must work to minimize the delay between the collection and reporting of data. CRDC data for the 2015-2016 school year was released in April 2018, data for the 2017-2018 school year was released in October 2022, and data for the 2020-2021 school year, when schools faced significant challenges from the COVID-19 pandemic, was released in November 2023 — all nearly two years after the conclusion of the school year for which the data was collected. Current and timely data are needed to identify and address disparities as soon as possible to limit the negative impact on students.

Clear Guidance, Regulation, and Technical Assistance to Facilitate Compliance

Regulation and guidance are critical tools that help to prevent unlawful discrimination from occurring in the first place — the primary goal of the department, education system, advocates, and families. The department is charged with issuing clarifying civil rights policy guidance and regulations to implement the laws under its jurisdiction and to provide other technical assistance to support schools, districts, and states in meeting their obligations to students and families. This policy work must be informed by extensive engagement and collaboration with stakeholders, especially marginalized students, families, and those who advocate with and for them, as well as research and evidence-based practices. OCR must have the necessary resources to provide substantial training and technical assistance to ensure that laws are implemented effectively and students are served equitably. Robust technical assistance from OCR must be available to empower all students, parents, and educators to prevent and challenge discrimination, including while investigations are pending. Children and families deserve both words and actions by the department that respond to their concerns, protect their rights, and follow the law.

Thorough and Expedient Responses to Complaints of Discrimination and Compliance Reviews

OCR has an obligation to ensure justice, thoroughly and expeditiously, for students who report discrimination on the basis of race, color, national origin (including language and shared ancestry), sex (including sexual orientation, gender identity, sex characteristics, pregnancy and related conditions, or parenting status), disability, and age through the department's complaint process.

Similarly, OCR must also pursue proactive compliance reviews to ensure federally funded programs are not discriminating even in instances where complaints have not yet been filed. The communities with and for whom we work deserve to have OCR firmly uphold the laws that protect them from discrimination, and all taxpayers deserve the reassurance that federal funds are not being used to discriminate. For years, insufficient funding has been presented to justify either protracted or shallow responses to complaints.

⁷ Assistant Secretary for OCR, Catherine Lhamon, noted in an interview that her staff operates under a “crushing workload” with “untenable caseload[s]” of up to 48 cases per person. Naaz Modan, *OCR changes approach to complaints amid record high volume*, K-12 DIVE (April 14, 2023), OCR changes approach to complaints amid record high volume | K-12 Dive (k12dive.com).

February 14, 2024
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OCR needs robust funding and sufficient staff to ensure that students and their families are supported by a department that will not tolerate discrimination and that will work to ensure access to justice for students and their families. Incomplete justice or justice delayed are both justice denied.

We urge you to double the funding for the Office for Civil Rights to ensure that the Department of Education is able to fulfill its responsibility to protect the civil rights of all students. Please let us know if we can answer any questions or provide any additional information by contacting Liz King, education equity senior program director, at king@civilrights.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
ADL (Anti-Defamation League)
Advocates for Children of New York
Advocates for Justice and Education, Inc.
Agency for Humanity
American Assoc of University Women Camarillo Branch
American Association of Colleges for Teacher Education (AACTE)
American Association of University Women
American Atheists
American Civil Liberties Union
American Humanist Association
APIA Scholars
Asian Americans Advancing Justice | AAJC
ASPIRA of the Mid-Atlantic
Association for Higher Education and Disability (AHEAD)
Association for Special Children and Families
Autism Alliance of Michigan
Autism Life Care Center
Awace Life Care Center 501 (c) 3
Bazelon Center for Mental Health Law
BCDI-Colorado
CASEL
Center for Learner Equity
CenterLink: The Community of LGBTQ Centers
Clearinghouse on Women's Issues
Council of Parent Attorneys and Advocates
Disability Rights Oregon
Education Law Center
Education Law Center-PA
Empowering Pacific Islander Communities
Family Connection of SC
Family Voices CO



Family Voices NJ
 Family Voices of Tennessee
 Federation for Children with Special Needs
 Federation of Families of Central Florida Inc.
 Florida National Organization for Women (FL NOW)
 GLSEN
 Greater Orlando National Organization for Women (Greater Orlando NOW)
 Human Rights Campaign
 Human Rights First
 HUNE
 IDRA (Intercultural Development Research Association)
 Impact Fund
 INCLUDEnyc
 Japanese American Citizens League (JACL)
 Jewish Council for Public Affairs
 Lawyers' Committee for Civil Rights Under Law
 Long Island Advocacy Center, Inc.
 Loud Voices Together Educ Adv Group, Inc.
 Maine Parent Federation
 MANA, A National Latina Organization
 Matthew Shepard Foundation
 Michigan Alliance for Special Education
 Montgomery County Federation of Families for Children's Mental Health, Inc.
 Movement Advancement Project
 NAACP Legal Defense and Educational Fund, Inc.
 National Association of Councils on Developmental Disabilities
 National Association of Social Workers
 National Center for Learning Disabilities
 National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)
 National Center for Transgender Equality
 National Center for Youth Law
 National Council of Jewish Women
 National Disability Rights Network (NDRN)
 National Education Association
 National Hispanic Media Coalition
 National Network for Arab American Communities (NNAAC)
 National Urban League
 National Women's Law Center
 North Carolina Justice Center
 Ohio Hispanic Coalition
 Oklahoma Appleseed Center for Law and Justice
 Other Parents Like Me, INC (OPLM)
 Parents Reaching Out

February 14, 2024
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PAVE
PFLAG National
Public Justice
Semillas del Pueblo Anawakalmekak
Southeast Asia Resource Action Center
Southern Poverty Law Center Action Fund
SPAN Parent Advocacy Network
Teach For America
The Advocacy Institute
The Andrew Goodman Foundation
The Arc of the United States
The Education Trust
The Parents' Place of MD
The Workers Circle
True Colors United
UnidosUS
Washington State League of United Latin American Citizens

Ms. ADAMS. With that, Mr. Chair, I yield back.

Chairman KILEY. The Representative from New York, Ms. Stefanik, is recognized for 5 minutes.

Ms. STEFANIK. Thank you, Chairman Kiley. Professor Golden, thank you for being here today. You describe in your written testimony the antisemitic harassment that a professor and students have directed toward you, and how it has caused you to want to leave academia.

Could you describe the overall atmosphere that Jewish faculty and Jewish students are facing at your college, and specifically, what was the college administration's response to those antisemitic incidents directed specifically to you?

Ms. GOLDEN. Thank you. The administration has chosen the path of least resistance, doing the bare minimum to appear to take antisemitism seriously. They have refused to adopt the widely accepted IRA definition of antisemitism, which could help them better identify and address these incidents.

While I commend them for not capitulating to divestment demands, their overall response has been mostly lip service.

Ms. STEFANIK. Professor Keating, I understand that UCSC had its own antisemitic encampment on campus for 5 days before it was dispersed by the police. It is reported that 64 individuals were arrested, 40 of whom were students. Could you describe this encampment and the antisemitic statements made by protestors there?

Mr. KEATING. Yes. Thank you, Congresswoman. The encampment sprung up over a course over a period of 5 days. It tripled in size in just a few days. The protestors were allowed to have their freedom of speech, the First Amendment rights recognized. In fact, there have been 2,500 attendees to Pro-Palestinian/anti-Israel protests on our campus alone, which have been the majority peaceful.

This one was different. This one resulted in continued refusal to allow inspections by campus fire marshals. There were weapons found there, including a three-foot-long ninja sword, that I dis-

played during my testimony. There were flammable materials found there.

They would not let in the inspectors. They would also not let in Jews, or anybody identifying as a Jew wearing, for example, a Star of David, or a high symbol, anything of that nature, and it was incredibly intimidating. There were chants there globalizing the intifada.

There were leaflets passed out by the Revolutionary Socialist of America that said that freedom for Palestine means death to America, as I displayed in my oral testimony, as well. This was an incredibly hostile environment, not just for Jews, but for Americans, and students who wanted to just have a peaceful day to go about their lives on campus, and study for their employment.

Ms. STEFANIK. I also want to ask you about policy changes that would address the rise of antisemitism on campuses across the country. Would banning the wearing of masks, so that individuals at encampments can be identified help in this regard, and what other policy changes would help protect Jewish faculty and students?

Mr. KEATING. I think so. I think banning masks is one step to doing so, and I think there are—it is appropriate to wear religious garb, of course, but to completely cover your face, there is absolutely no need to do that unless you are involved in some activity that you are either ashamed of, or do not want to participate in.

Wearing masks and wearing full headgear and covering up your entire human, you know, personhood is demeaning, and it creates a barrier. Also, I should note that in the Students for Justice in Palestine Constitution, they adopt a strict policy of not negotiating with anyone who supports the State of Israel as a sovereign nation.

They refuse to negotiate or dialog with, “Zionists.” This organization currently is operating under a cease and desist order on campus. It did not prevent them from organizing a complicity walking tour where they targeted individual professors by name, and due to their national origin, or the fact that they were Jewish, and doing research on studying say the biblical flood story.

That had nothing to do with politics. Just because they happen to be Jewish, and or conducting research in Israel. The most reprehensible thing to me as a faculty member, is it is fine for students to exercise their rights. We all should do that, it is part of our Constitutional granted rights, but for faculty to take a paycheck from a university that they claim is committing acts of genocide is complicit in genocide, and to continue working there, and encourage students to get arrested, and call students themselves complicit in the genocide themselves.

When students express their fear to the Academic Senate Chair, John Hildebrand, he ignored them, the Jewish students. Other people on an open call compare Jewish students fearing for their safety, they compare them to students during the segregation period who supported the KKK. This is unacceptable in a place of learning in my opinion.

Ms. STEFANIK. Thank you for your bravery being here today. Thank you for standing up what is morally right, standing up for Jewish students, Jewish faculty, Jews around the world, and with that, I yield back.

Chairman KILEY. The Representative from California, Mr. Takano, is recognized for 5 minutes.

Mr. TAKANO. Thank you, Mr. Chairman, and thank you to the witnesses for being here today. Antisemitism on college campuses is a serious issue, and I denounce and deplore antisemitism. Racism is also an issue, and I deplore it, as well as Islamophobia, sex discrimination, homophobia, and all forms of bigotry that create barriers to faculty being able to work, and students being able to learn.

I fully support providing all resources necessary to the institutions that our government tasked with enforcing antidiscrimination law, namely the Equal Employment Opportunity Commission, or EEOC, and the Department of Education Office for Civil Rights, otherwise known as OCR.

These entities seek to ensure a crucial balance between academic freedom and safety, and security for all who work, study and live on college campuses. My first question to Ms. Emrey-Arras, can you describe how EEOC handles a complaint once it is filed?

Ms. EMREY-ARRAS. Once it is filed, it is provided to investigators who then examine the complaint to see if it has all of the necessary pieces to it, and then they often work toward some kind of settlement with the college, to see if that is possible to obtain. If they are unable to do a settlement, they could potentially pursue litigation, or a referral for litigation.

Mr. TAKANO. Is there a general amount of time it takes for a claim to get resolved, and disposed of?

Ms. EMREY-ARRAS. I would not be able to speak to that for this particular issue. We have not looked at the number of days for these claims.

Mr. TAKANO. Okay. In GAO's full March 2024 report, OCR indicated that reduced staffing, staffing levels, and rising complaints have had a significant impact on making timely referrals of discrimination complaints to EEOC. What relationship does funding and staffing of the OCR, of OCR have, to their expediency, or efficiency in processing complaints?

Ms. EMREY-ARRAS. Thank you for that. We did hear that OCR has resource constraints, which limits their ability to focus on this issue. They specifically mentioned the rise in the number of complaints, significant rise in number of complaints over time, while also experiencing declines in the number of investigators available to look at those complaints.

We do recognize that in our work. At the same time, we would very much like to make sure that referrals are timely, so that people who have experienced discrimination can obtain relief, and we believe that the Department of Education can do more to help ensure timely referrals.

Mr. TAKANO. That is fair enough, but there is the resource constraint has had an impact on the timely referral of complaints. Does the March 2024 report take into account the recent surge of complaints to OCR after the October 7th attack?

Ms. EMREY-ARRAS. It does not. It covers an earlier time period, sir.

Mr. TAKANO. In fact, October 7th attack impact, and the surge of complaints could have worsened the ability for referrals to be done in a timely way?

Ms. EMREY-ARRAS. That is correct.

Mr. TAKANO. I fail to see how we continue to—if we continue to flat fund OCR and make progress in addressing these discrimination issues, how is it that the recommendations that the GAO laid out in your 2024 report be aided by Congress?

Ms. EMREY-ARRAS. We think it is important for Congress to highlight these issues. We are grateful that you are having this hearing today to focus on this important issue, and we think anything that the Congress can do to hold education and EEOC's feet to the fire to implement our recommendations would be greatly appreciated.

Mr. TAKANO. Well, the EEOC report year after year increases of discrimination complaints across several sectors, while facing flat funding. The latest republican crafted Appropriation's Bill released earlier this week slashes the EEOC's budget by 8 percent, which is over 68 million dollars less than what was put forth in the administration 2025 proposal.

It also flat funded OCR for Fiscal Year 1925, which would result in flat funding for the agency for the third Fiscal Year in a row. Mr. Rienzi, your testimony suggests that EEOC could or should single out claims of antisemitism for enforcement. At the same time, republicans are proposing to cut funding for EEOC by 35 million dollars, and flat fund OCR for the third year.

How do you reconcile your goals, and also the ability to advance the agency's work to combat discrimination?

Mr. RIENZI. I am not familiar with EEOC's funding levels either before or after, or the impact of those funding levels, but I certainly support EEOC doing its job of pursuing these claims.

Mr. TAKANO. Well, I wish I had more time, but I need to yield back, and thank you for your testimony.

Chairman KILEY. The Representative from Missouri, Mr. Burlison, is recognized for 5 minutes.

Mr. BURLISON. Thank you, Mr. Chairman. Professor Keating, I understand that the Local United Autoworkers Chapter of the UAW 4811 voted to strike in protest that your university and the police removed the antisemitic, anti-Israel protestors and their encampment.

The UAW alleged that workers' rights were violated in their handling of the anti-Israel protests. The individuals were—even though these individuals were violating policies, the union is demanding amnesty for the employees and students to basically fight for their right to be antisemitic, I guess.

Professor Keating, are you aware of the UAW strike on the campus?

Mr. KEATING. Yes, sir. I am aware of it. In fact, our teaching assistants in my classes, and I teach—I have taught thousands of students over the years. They are effectively forced to be members of the United Autoworkers Union as part of their contract, and their collective bargaining agreement.

Mr. BURLISON. Even though it is a university, they are forced. Is it a public university, or are they—

Mr. KEATING. Yes, its a public university.

Mr. BURLISON. Is this a government system, and yet people are being compelled to pay to be a member?

Mr. KEATING. I believe that I cannot speak if they are literally forced to do it. I know that Jeffrey resigned, and in fact, many of the graduate student teaching assistants submitted their testimonials to me. In fact, had to meet with their unit representative in order to resign from the union actively based on their partisan advocacy for the in support of anti-Israel demonstrators, receiving full rights.

Again, why they want to receive full rights to a diploma to a university that they claim is genocidal, complicit, et cetera, et cetera, and hold constant boycotts against is beyond me. However, I should point out that none of the students that I teach, which are I remind you, physic students, astronomy students, et cetera, including Muslims, who work with me and for me, and I have always had a proud tradition of educating people from around the world.

They refuse to strike, and they in fact, they told me we stand with Israel, and for them to be sort of have to proactively tell me that because otherwise I might have had to, you know, take over all their responsibilities.

There is a faculty organization, which is not officially sanctioned by the university, they call themselves the San Diego Faculty Association, that again was encouraging protests, encouraging walk-outs, and encouraging the graduate students who are employees.

In fact, one employee of the union, a teaching assistant, broadcasted to his undergraduate students that they have a right, a moral obligation to protest the university's complicit nature with the activities of Israel in Gaza and beyond. He was using an intimidation tactic on the students whose grades he is partially responsible for, to advocate for political speech.

Mr. BURLISON. That is appalling. What were the policies of the university that they were violating on campus? If pro-Israeli students were protesting and violating these policies, one might expect there to be equal treatment. What were the policies that were being violated?

Mr. KEATING. These were encouragement to not grant work. They were operating—the graduate students did go on strike 2 years ago to advocate for higher wages, and then as you know, living in La Jolla is not an unexpensive endeavor. I support, you know, their right to advocate.

Mr. BURLISON. Right.

Mr. KEATING. This was an unauthorized strike in the sense that they were not authorized by their own union rules to go on strike for political purposes. They can go on strike for whatever reason.

Mr. BURLISON. They violated a labor practice?

Mr. KEATING. That was the—I have to defer to legal experts, but I believe that was the decision. In fact, California State courts ruled that that strike was no longer supported. It was in violation of the union's contract, so they did go back to work eventually.

Mr. BURLISON. Do you think most members of the UAW understand that there is a segment of their labor union that is actively making sure that people have a right to be antisemitic?

Mr. KEATING. I think they claim to represent 58,000 members of the University of California as Congressman Kiley said. It is an

enormous employer in the State of California. That is not an insignificant fraction of the employment of the State of California, and yet I do not believe they represent more than a few percent.

Mr. BURLISON. Well, and what I find striking is that, you know, they are supposed to represent all workers' rights, and yet did you see any activity that they were expressing, indicated that they cared about the Jewish students and workers?

Mr. KEATING. No. In fact, one graduate student teaching employee, she stated that she met with the union organizing unit, the then unit Chair, and they said that we sometimes advocate for political reasons.

Mr. BURLISON. Thank you. My time is expired.

Chairman KILEY. Representative from North Carolina, Ms. Manning, is recognized for 5 minutes.

Ms. MANNING. Thank you. I have found the failure of our universities to protect Jewish students and faculty members from discrimination, and harassment, since October 7th to be enormously concerning, disappointing and problematic for the future of our democracy. Your testimony has given us concrete examples of this failure, and the impact on real people.

Other examples of the examples that you have stated of the kinds of harassment you have experienced is simply unacceptable, and we cannot allow the continued normalization of antisemitism on campuses, and in the workplace. Sadly, we have learned that antisemitism in the workplace has become more open and pervasive.

A recent study published in the Academic Journal of Socius found that more than half of Jewish respondents experienced discrimination at work, and another survey found that 25 percent of hiring managers are less likely to advance Jewish candidates. This issue goes beyond the college campus, and it is critical that employees understand how to file complaints, and that the EEOC have the resource they need to resolve these complaints in a timely and effective manner.

Professor Golden, I want to start by thanking you for sharing your heartbreaking story. Your account was incredibly painful to hear, and I am sure it must have been much more painful to live through. You filed a discrimination complaint initially with Mt. San Antonio College. Is that correct?

Ms. GOLDEN. Yes, it is.

Ms. MANNING. When you started working there, were you ever told that you could file a discrimination complaint with the EEOC?

Ms. GOLDEN. I do not remember exactly. I may have been informed that there were outside processes, but I do not think that the specific organization was discussed.

Ms. MANNING. Okay. Were you aware of the differences between filing with the OCR, the Office of Civil Rights, and filing with the EEOC?

Ms. GOLDEN. Definitely not. That was not clarified.

Ms. MANNING. Okay. Professor Keating, thank you for sharing your story as well, also so disturbing. I want to ask you the same question. Were you ever told about the option, or your ability to file an EEOC complaint on the basis of religious discrimination?

Mr. KEATING. No, ma'am, I was not.

Ms. MANNING. Were you aware of the differences between filing with the Office of Civil Rights, and filing with the EEOC?

Mr. KEATING. I was not. I have since familiarized myself with that policy.

Ms. MANNING. I think this reflects an issue similar to the one that we have seen with students who faced antisemitic discrimination, many of whom did not know that they could file an OCR complaint, and clearly, we have an awareness problem. I know that the OCR has attempted to put into place an awareness campaign.

Ms. Emrey-Arras, are you aware that any such campaign, awareness campaign, has been put into effect by the EEOC?

Ms. EMREY-ARRAS. We know that EEOC has done educational efforts to help employers, including institutions, learn about their services. We think this issue of under reporting is a central one, although we did not focus specifically on that in this employment discrimination work.

In past work we have looked at hate crimes on college campuses, and in that work we found that under reporting was a significant issue. According to the Department of Justice, with hate crimes, they expected that about half of hate crimes were not being reported.

Ms. MANNING. Thank you. In your written testimony you noted that there are cases where faculty filed with OCR, and those cases then have to be turned over to the EEOC. Is that correct?

Ms. EMREY-ARRAS. Yes.

Ms. MANNING. Many of those cases were not referred within the 30 days required by Federal law. Is that also correct?

Ms. EMREY-ARRAS. Required by policy, correct.

Ms. MANNING. By policy. Thank you. Was this in part due to lack of resources at both OCR and the EEOC?

Ms. EMREY-ARRAS. We did hear from OCR that they were concerned about resources, and that that was a factor on their end.

Ms. MANNING. We know that there has been a dramatic increase in the number of cases filed at OCR. Is that correct?

Ms. EMREY-ARRAS. That is correct. They have also experienced a significant decline in investigative staff during the same time period.

Ms. MANNING. Would you say that increasing Federal funding to OCR and EEOC, and expanding their staffing capacities and their staff training, could help with the potential correction to this problem?

Ms. EMREY-ARRAS. Although I would not be able to comment on budgetary issues, I do think that it is important that both OCR and EEOC implement our recommendations, and we think that they have the technology to do so.

Ms. MANNING. It seems clear that there are several key problems here. Faculty do not always know what to do when they face discrimination. They do not know whether to file with OCR or the EEOC. If they file at OCR, and it does not have the capacity to send their cases to the EEOC in a timely basis, those cases may fall through the cracks.

Clearly I would like to close by saying we need to fund the OCR and the EEOC, as my colleagues and I have been demanding for months, and I will close by again calling for the majority to in-

crease, rather than cut these agencies budgets if they really want to do better by Jewish students and faculty, and I yield back.

Chairman KILEY. The Representative from Wisconsin, Mr. Grothman, is recognized for 5 minutes.

Mr. GROTHMAN. Thank you. First of all, I will start with Mr. Keating. I am a little bit surprised here to say that apparently the local UAW union decided to weigh in when California San Diego students were asked to disperse. Can you elaborate on that, as I am a little surprised that the union would try to put all their prestige on the line here.

Mr. KEATING. Yes. It was not only the University of California San Diego, Congressman, it was all the university campuses within our university system, so multiple campuses. They organized rolling strikes. They called them day of action, or complicity tours, where they would organize shutdowns of campus, or attempt to shutdown campus.

The students again are the life blood of the university, and every educator has to recognize that. They are not only our students, but they are employees of the University of California as well. We pay their salaries through research grants. Some of them—Federal grants that come from the National Science Foundation, Department of Energy, et cetera, and there is a representative union that they have been under representation by—is known as the United Autoworkers Union.

Mr. GROTHMAN. Well, sometimes the unions wind up getting involved with things that are none of their business, if that leadership is kind of involved in that. There is apparently, an exhibit in the college's library, kind of a non-controversial thing showing the lines on a map, Israel, West Bank, apparently over a period of time. That was removed. Do you have any comments as to what UCLA was thinking of there?

Mr. KEATING. I believe that was Professor Golden's testimony.

Mr. GROTHMAN. Oh, I am sorry. I should talk to you. What was going on with the university there?

Ms. GOLDEN. I had obtained verbal approval from a librarian to develop an educational exhibit on Israel's changing borders created for Geography Awareness Week. It was removed because of what they called procedural oversight. However, the library later claimed that it was taken down because of student complaints, and the alleged division it caused.

Mr. GROTHMAN. A complaint. Is that not too bad? Somebody did not like an impartial analysis of this situation, and all of a sudden your First Amendment is out the door?

Ms. GOLDEN. The display included a book promoting coexistence and reconciliation, and included both Palestinian and Israeli flags. The implication that simply showcasing Israel's history and geography is divisive, suggests that the college may inadvertently be endorsing the idea that Israel's very existence is offensive.

As an academic institution, they should be upholding the principles of academic freedom, and allow for the presentation of factual, educational content, even if it faces objections. The removal of my display not only undermines these principles but sends a chilling message that certain topics are off limits, stifling open dialog.

Mr. GROTHMAN. We are getting more into the attack on the First Amendment, which I think is becoming sadly, a little more par for the course for too many universities. Now, I would have to say that this intolerance was going to spring up in any areas of society, I guess it does not surprise me it would spring up at America's universities.

I am looking here at a study that was done by a variety of professors. I know one was from George Mason a few years back, but nevertheless, they collected ideological data of various different professors and different disciplines at seven campuses. In some states people have identified as republican, democrat.

English literature departments, of every person identified republican, 35 identified as democrat. Performing arts, for every person who identified republican, 31 identified as democrat. History, for every person who identified as republican, 16 voted democrat, or identified as democrat. Sociology, we cannot say a racial, because nobody identified as republican, everybody identified as democrat.

I think when you have an ideological monolith, it is just a recipe for horrible ideas to bubble to the top. Could any of you comment on what effect it has in general on a campus where it appears likely they must almost be actively discouraging people who are outside the left wing to be employed at a campus?

Ms. GOLDEN. Well, DEI policies originally were enforced for other groups, but the atmosphere for Jewish faculty and students, especially since October 7th, has been one of hostility and silencing.

Mr. KEATING. On my campus, some of the most unifying moments I have had between my liberal democrat and conservative republican friends, as in the sciences, as you probably noted, there are more republicans, but the notion has never been—we have never been closer.

That said, there are great many professors that identify themselves liberal and Jewish, and they actually compared my Chancellor to the biblical genocidal maniac known as Pharoah, when he decided to disburse the campus violence that took place early May 2024.

Mr. GROTHMAN. Okay. You do not see a correlation between the really dislike of republicans that preceded this antisemitism, and the intolerance you are seeing now?

Mr. KEATING. I mean, there is not an ideological litmus test that is applied. I think people feel more comfortable speaking out. I have colleagues in literature. I have co-taught classes in literature, as you noted, very, very much unified politically on the democratic side.

People of intellectual stature can get along. It is—one of the hallmarks of academia should be tolerance. Unfortunately, it is not so common these days.

Mr. GROTHMAN. Well, thank you.

Chairman KILEY. The gentlewoman from Illinois, Ms. Miller, is recognized for 5 minutes.

Mrs. MILLER. Thank you, Chairman Kiley, and thank you to our witnesses for being here today. Professor Golden, your written testimony indicates that a campaign of antisemitic harassment against you resulted in the cancellation of your spring in person

class. How has antisemitic harassment and a hostile work environment affected your career?

Ms. GOLDEN. The antisemitic harassment has had a profound impact on my career. I went from being deeply engaged and enthusiastic to feeling alienated and counting the days until retirement. While it feels unbearable to continue teaching at Mt. SAC, the experiences of other Jewish professors I connected with suggests that this is a widespread issue.

If this pervasive campus, antisemitism is not addressed, the administrator, by administrators nationwide, we risk losing talented and brilliant educators from our colleges and universities.

Mrs. MILLER. It is really a shame, but I do want to thank you for coming forward and giving your testimony, and I would like to say this is all a clear violation of Title 7. Very sad to see, and I yield back the remainder of my time to Chairman Kiley.

Chairman KILEY. Thank you very much. Professor Keating, one of the sort of perverse ironies that we have seen in this rise of antisemitism on campus is that many of the universities that have been the worst offenders, in terms of suppressing free speech, and violating the First Amendment on campus, are now suddenly claiming the mantle of the First Amendment as a reason to allow what is actually antisemitic conduct that is not indeed protected under the First Amendment.

Would you be—could you give us a little bit of sense of how that double standard, or sort of backward State of affairs has played out on your campus?

Mr. KEATING. Yes. It seems to me that freedom of speech is never applied so liberally as it is when it comes to demonizing Jews and antisemitic voices on campuses. Unfortunately, this is probably within the purview. We asked, and we heard from the other witnesses today about policies at the EEOC, and support that could be used.

All campuses currently already have principles of community that forbid harassment, discrimination based on any other identifying trait, whether it is religion, national origin, gender status, et cetera, et cetera. These would be forbidden, and they are.

In fact, as I testified when there is—long before October 7th—there is this Justice in Palestine Week that has been taking place. It becomes a terrifying place for a young Israeli American student who is just trying to become a pre-med, so she can treat people and help save lives.

There is an environment on campus, which is almost orgiastic, of violence, of hatred toward Jewish people, and toward the State of Israel that she has to endure, that others have to endure, and it is well within the purview in my opinion, I am not a lawyer, but the opinion that I hold is that it's our principles of community that are continually being violated, including wearing complete head coverings, head to toe masks, and chants for the destruction and violence against people based on their national origin.

Chairman KILEY. Thank you. Mr. Rienzi, one of the really disturbing things that we have seen is at some universities the response to these illegal encampments has been to surrender to them, and to accede to the demands of those in the encampments,

and to sort of institutionalize the antisemitic character of them by incorporating it into university policy.

You gave us a number of different legal tools that are available for universities, and that we as the House might look to. Do you see how any of them might apply to that sort of situation?

Mr. RIENZI. Yes. Where the universities fail to stop and actively facilitate this type of discrimination, they are in violation of many Federal laws. They are violating Title 6. They are violating the Ku Klux Klan Act. They are violating the Constitutional rights of the Jewish students, who have a right to exercise their religion, to appear as Jews to consider themselves a part of a Jewish homeland in Israel.

The universities are failing to enforce their laws, and are failing to protect the rights of those students. I will just say at UCLA for example, they have policies that make—they are in favor of free speech. They are in favor of free speech, but they say speech must not interfere with the orderly operation of a campus, must be conducted in a manner that reasonable protects others, must not block entrances to, or otherwise interfere with the free flow of traffic.

Cannot knowingly and willingly interfere with others. Schools know that this is not First Amendment protective behavior that is going on here. If the schools are facilitating it by aiding with the barricades, and sending the Jewish students away, and that is just a clear constitutional and Federal civil rights violation.

Chairman KILEY. Thank you very much. The Representative from Michigan, Mr. Walberg, who is recognized for 5 minutes.

Mr. WALBERG. Thank you, Mr. Chairman. Thanks for letting me waive on to this important Subcommittee hearing and thank you to the panelists for being here. Following the October 7th attack on Israel, we have seen a disgusting rise in antisemitic harassment of Jewish students and staff at our so-called elite universities, which should be places where free speech, freedom of religion and truth prevail.

On March 1st at the University of Virginia Board of Visitors member, Burt Ellis, attempted to discuss the outbreak of anti-semitism on campus, and across the country. The broader BDS movement, and the need to discuss the harassment of Jewish students. Unfortunately, Mr. Ellis was not permitted to discuss this issue in a public session and was told he would be reprimanded if he pursued the issued by Rector Hardy, threatening to punish a Board member for wanting to discuss the rampant harassment and violence being directed at Jewish students is unacceptable.

The University is also facing a lawsuit from a Jewish student who alleges he was assaulted because he is Jewish. The lawsuit also notes that professors would offer students extra credit for attending antisemitic rallies.

Mr. Rienzi, you detailed in your written testimony the anti-semitism UCLA faculty have faced. In your expertise, would retaliating against a faculty or a Board member, such as the incidents in the University of Virginia, potentially constitute a Title 7 violation?

Mr. RIENZI. Yes. I am not familiar with the facts of the University of Virginia case, but as you describe it, both Title 7, and the first amendment have been enforced by the Federal courts to not

only—Title 7, to not only protect people from illegal discrimination in their employment, but to also protect people from retaliation from pointing out Title 7 violations.

Both under Title 7, and under the First Amendment I would think you could have a retaliation claim if someone is punished or restricted for pointing out those violations. May I just say, again, I do not know the facts of Virginia, but I do think it's incumbent on people who hold jobs like Board members of these prominent universities, they have obligations to run the university in a lawful way, particularly in a public university, so it seems to me it is entirely consistent with their obligations to look into these things.

Mr. WALBERG. Yes. You would think. Mr. Rienzi, UCLA is only one among dozens, if not hundreds of colleges and their campuses that have been host to antisemitic protests since the October 7th Hamas attack on Israel. What responsibilities do colleges and universities have toward Jewish faculty and staff under Title 7 of the Civil Rights Act?

Mr. RIENZI. All employers with more than 15 employees, so colleges and universities, but many, many other employers in the country too, have obligations under Title 7 not to discriminate against their employees, and not to allow their employees to have to suffer through a hostile work environment for their religion, religious exercise, national origin and so forth.

I think it is true of the stories we have heard today. I think it is true for faculty and staff at UCLA, and I am sure it is true for faculty and staff at many other places that their employers are failing.

They are violating Federal civil rights law when they allow the Jewish employees to have to endure day after day going to a work—going to a workplace where people are saying, “Death to the Jews. Death to Israel.” You know, “Beat that F’ing Jew,” which was a common refrain on UCLA’s campus.

Employers should not allow that to continue. They have an affirmative obligation to not have their employees thrust into a hostile work environment.

Mr. WALBERG. Seems very clear. Thank you. Professor Golden, your written testimony describes antisemitic harassment directed toward you and your college administration’s lack of response to this harassment. In your opinion, is your college even-handed when it comes to how it treats different groups, and different kinds of speech and behavior?

Ms. GOLDEN. The administration’s response to harassment has been far from even-handed. They have silenced and isolated me, the victim, while seemingly appeasing those who created and foster a hostile environment. It appears they prioritize avoiding campus unrest over protecting Jewish students and faculty.

For example, after the tragic events of October 7th, it took significant urging before the President of Mt. SAC issued a weak statement that failed to even mention Jews. This lack of direct acknowledgement undermines the severity of the issue, and the specific impact that it has on the Jewish community.

By silencing pro-Israel voices, and removing educational exhibits about Israel, the administration inadvertently emboldens those who promote hate and insight violence. This creates a chilling ef-

fect on campus, making Jewish students and faculty feel unsafe and unwelcome.

Mr. WALBERG. Thank you. Equal justice for all has been missed there. I yield back.

Chairman KILEY. The Representative of the—the Ranking Member of the Full Committee, Representative Scott, is recognized for 5 minutes.

Mr. SCOTT. Thank you. Ms. Emrey-Arras, you mentioned the backlog several times, and you mentioned the mix of cases. Can you remind us what the top three categories of cases in the backlog of OCR cases are?

Ms. EMREY-ARRAS. Happy to share with you our data. We looked at EEOC charges alleged against higher education institutions from 2011 to 2021, and so these were cases that EEOC received. We found that the top three categories included charges related to race, that was the top category.

The second was related to sex, and the third was related to disability.

Mr. SCOTT. Okay. You had religion and national origin as fourth and fifth?

Ms. EMREY-ARRAS. Correct.

Mr. SCOTT. Fifth and sixth?

Ms. EMREY-ARRAS. Correct. We had after disability, we have national origin and then religion, and then color following that.

Mr. SCOTT. Within national origin and religion, are there things other than antisemitism that could have been involved in those?

Ms. EMREY-ARRAS. Yes, sir.

Mr. SCOTT. Like what?

Ms. EMREY-ARRAS. There could be other faiths considered in addition to Jewish religious discrimination complaints. There could be complaints against individuals of Muslim faith, Christian faith, and the like for example.

Mr. SCOTT. Now, you mentioned it takes a long time to refer these cases to the EEOC. Why does it take so long?

Ms. EMREY-ARRAS. Quite frankly, education is not tracking it. They are not keeping an eye on how long it is taking them, and if they do not know how long it is taking, they cannot manage it. They do have the ability to do that.

Mr. SCOTT. Are you suggesting that if they did a quick review, they could do this much more quickly?

Ms. EMREY-ARRAS. We know that a little over 25 percent of the cases are being referred on time, and we think that if they did a review to figure out what was helping those cases go on time, they could use those lessons learned to help the others.

Mr. SCOTT. Is the insufficiency of the OCR budget a factor?

Ms. EMREY-ARRAS. That was something that we did hear from Education.

Mr. SCOTT. That is what they said. Do you think it is a factor?

Ms. EMREY-ARRAS. We do think it is a factor. They did raise the concern around the increased number of complaints, and the decrease in investigative staff.

Mr. SCOTT. Thank you. Mr. Rienzi, in the 1960's there was a pretty solid policy that if you received institution or an organiza-

tion received Federal money, that it could not discriminate based on race, color, creed or national origin. Is that still the case?

Mr. RIENZI. Yes. I believe you are referring to Title 6 of the Civil Rights Act, and that remains the case.

Mr. SCOTT. If a religious organization received Federal money they could not discriminate based on religion?

Mr. RIENZI. No. I think they can discriminate based on religion.

Mr. SCOTT. After they have taken Federal money?

Mr. RIENZI. I do not believe there is anything in Title 6 that restricts religious universities from discriminating based on religion. I may be misunderstanding your question.

Mr. SCOTT. Okay. Well, in the 1960's they did not care who you were—if you took Federal money you could not discriminate, and now you are saying that if you are a religious organization taking Federal money, you can in fact discriminate. Is that right?

Mr. RIENZI. If you are asking me about Title 6?

Mr. SCOTT. I am talking about if you were a South Carolina foster care agency taking Federal money, and you restrict the placement just to Christian families?

Mr. RIENZI. Yes. I think the Court resolved that case and said that under Federal law it was permissible for that agency to operate as a religious nonprofit, and I believe they cited the Supreme Court's 9-nothing Fulton decision in support of that.

Mr. SCOTT. Now they can have a policy that we will not place children with Jewish families?

Mr. RIENZI. I do not know if the agency in question had that policy, but I do know that the Court in South Carolina said that they are allowed to remain a religious institution.

Mr. SCOTT. What about employment?

Mr. RIENZI. I think Title 7 of the Civil Rights Act of 1964 enacted by this Congress says that religious institutions are allowed to consider religion in their hiring, and I think the First Amendment says that as well.

Mr. SCOTT. If a South Carolina agency is a religious institution taking Federal money, they can have an articulated policy, we do not hire Jews?

Mr. RIENZI. I think any religious institution under Title 7 is allowed to engage in what you might call religious discrimination, whether it is a Jewish institution that would not hire me, or another.

Mr. SCOTT. Is that something we need to fix as a condition of Federal money you should not be able to discriminate?

Mr. RIENZI. No. I think under the free exercise clause, and under Federal law, religious institutions are both permitted to participate in helping solve social problems, without having to give up their free exercise rights.

Mr. SCOTT. Well, yes, but that is with Federal money?

Mr. RIENZI. Yes. The Supreme Court decided the Fulton case 9-nothing with all of the Justices.

Mr. SCOTT. I am not talking about whether it is legal or not, I am saying whether we ought to fix it?

Mr. RIENZI. No. I think it is legal, and it should be left where it is because the Court has correctly recognized that those institutions are permitted to do it.

Mr. SCOTT. With Federal money. Thank you, Mr. Chairman. I yield back.

Chairman KILEY. I now recognize myself for 5 minutes. Professor Keating, I have a letter here from the President of the University of California system, Michael Drake. I had written him about my concerns about some of the things going on in campuses within the system, and he wrote me a letter back, which I appreciate.

This is the Chief Executive of the entire UC system, which includes your campus, and ten others. It is an organization, it includes 200,000 and some employees, as well as all the students. One of the things he says in the letter is that the University of California has consistently opposed calls for a boycott against anti-vestment from Israel.

While the university affirms the right of our community members to express diverse viewpoints, a boycott of this sort impinges on the academic freedom of our students and faculty, and the unfettered exchange of ideas on our campuses, which is good. I am glad he said that. It is the right policy of course, it is actually the law in California.

How has the BDS movement, how active has it been on your campus, and what role has the faculty played, or some faculty members in support of it?

Mr. KEATING. Yes. Unfortunately, it has been incredibly active, and they do tend to exercise, as I said every year, coincident with Israel's Independence Day, and with Holocaust Remembrance Day, this Justice in Palestine Week, which many students have told me they call Israel Apartheid Week, or Hate Israel Week.

It is an event that just last year, May 2023, 6 months, 7 months before the October 7th terrorist attacks, found on a campus dorm a swastika made of human feces, where Jews live and work. It is a combined use facility. At that time there were also events at our sister campus, University of California Santa Cruz, which are both antisemitic and homophobic.

Again, we hear words from Dr. Drake about how we take this seriously, and there would be panels. This is over a year. To my knowledge, no substantive changes have taken place. Is it a coincidence that it takes place? Coincident with this event that is held annually? I cannot say for sure, but it certainly predates October 7th.

After October 7th, he did commission a panel, which apparently has a budget of over 7 million dollars, which had a combined mission to combat antisemitism and Islamophobia. We have not seen, at least in my campus, in my person eye witness, I have not seen any repercussions from it. In fact, as I mentioned, dialog is often discouraged by people that support the academic and cultural boycott of the one single Jewish State.

Chairman KILEY. Extremely troubling. You also mentioned earlier, the Dean of the faculty refused to meet with Jewish students, even as he readily met with representatives of other groups. Could you tell us a little more about that?

Mr. KEATING. Yes, sir. That was the Chair of the Academic Senate, John Hildebrand, who has the responsibility for effectively running meetings, and having panels brought in, but not to advocate political causes, or things of that nature, did knowingly meet

with Students for Justice in Palestine before they were issued a cease and desist order for a violation of campus policies.

He refused on five separate occasions that I have documented in my written testimony, to meet with any Jewish students, citing lack of time, and he blew them off in my opinion, referring them to lesser campus procedural violations, even though they are expressing their heartfelt pain and suffering emotionally, sometimes feeling physically threatened.

He is responsible for faculty governance. We have a shared governance model in our campus, and he did refuse to meet with very many stakeholders, including Jewish professors, essentially myself and others outside of very limited circumstances.

Chairman KILEY. This gentleman is still the Chair of the Academic Senate?

Mr. KEATING. He will be replaced in the upcoming academic year.

Chairman KILEY. Okay. I want to ask a final question, and anyone of the witnesses can weigh in on this if you would like, which is that let us imagine that, you know, that when school resumes in most places in the fall, you see these unlawful encampments which are still actually operating in some places, but on your campuses, or on any particular campus.

They come back in full force along the lines that we saw at UCLA, we saw at UC San Diego, or at least they start to form. What would you—what action would you recommend that the leaders of those universities take? We have seen a menu of options, whether for how these things have been handled.

Some have allowed them to grow and grow until they become unmanageable. Some have given in to the demands of those leading the encampments. Others have simply enforced the law and campus policies in an even-handed manner, and dealt with the issue in short order.

Which of these options might you recommend to a university leader, and maybe we can start with you, Mr. Rienzi, and go down the panel for whoever would like to answer.

Mr. RIENZI. Yes. Happy to address it, and it is the right question because fall is coming soon, and students need to be able to safely return to campus. I think what the universities really need to do is aggressively stop the encampments from starting. Somebody comes and sets up tents, the first move is you just remove the tents.

You do not allow a group to take over a section of campus. You do not allow them to stay there and stop others from entering. I think the key aspect of the mistake at a lot of these schools has been to allow the problem to fester, allow it to grow, allow it to get reinforced.

When you do that to a group of people chanting, “Death to Jews,” or “Beat that F’ing Jew,” what inevitably happens is that the Jews get excluded from parts of campus, and the universities have an obligation to make sure that does not happen, and you know, I will just speak as to our lawsuit.

Our clients are very concerned. They have to return to campus in just under 2 months from now, and UCLA still does not seem to be able to stop the encampments, or really to muster the will

to do it, and they need to be told by a Federal Court, or otherwise to do that.

Mr. KEATING. Yes. I asked the Committee to consider the following thought experiment, as we physicists are likely to do, which is you know, to imagine that on our campus we have access to reproductive rights for young women on campus.

Imagine if there was an organization diametrically opposed to that, believe in the strict right to life, and they set up an encampment, a no-go zone, where young women felt intimidated to exercise their privileges and rights on this campus.

I think their ID cards would be taken away and shutdown later that afternoon. I do not think there is ever, you know, kind of the tolerance of these things.

They allow themselves to fester, as Mr. Rienzi said, and I think enforcing existing laws. We were asked about do we need more funding for committees, and do you guys need to do—and men and women, need to do more funding wise?

That may be true, but every university has principles of community. They are entitled to enforce those principles of community, and they have an obligation to do so equally, liberally and equitably, for their students to feel safe, and their employees to operate effectively in the workforce.

Chairman KILEY. Would you like to add to that? We are a little over time, but if you could go briefly.

Ms. GOLDEN. The administration should acknowledge and apply the definition of the antisemitism, and disseminating this definition would enhance awareness and understanding of what constitutes antisemitism, because I think a lot of students do not even recognize it when they see it.

Additionally, the human resources office should increase its efforts to advertise the reporting mechanisms for Title 6 violations across campus because again, I think a lot of students are not even aware of when these violations are taking place.

The DEI programming and initiatives should have orienting materials and written guidelines that explicitly include antisemitism based on the IRA definition. Finally, the administration must take a firm stance against display of symbols of hate, such as swastikas and Hamas flags.

Chairman KILEY. Thank you very much. I will now recognize the Ranking Member for a closing statement.

Ms. ADAMS. Thank you, Chairman Kiley, and thank you again to our witnesses today for your testimony. Everyone deserves a workplace free from discrimination, even on college campuses, university campuses. The challenges raised today regarding addressing antisemitism, and other forms of discrimination demand our urgent attention and immediate action.

We must ensure that everyone's civil rights are protected, and that all individuals, regardless of background, feel respected and valued in their educational and professional environments. Today's conversation reinforced my commitment to advancing inclusive policies that protect the rights and dignity of all individuals, especially students.

It is also clear to me that a critical part of our response must be to fully resource our civil rights enforcement agencies because

they cannot do their jobs without the support. We cannot expect to make progress in addressing discrimination in our schools and workplaces by short-changing the very agencies responsible for enforcing our civil rights laws.

By strengthening the capacity of our enforcement agencies, enhancing diversity initiatives, and fostering equitable treatment, I believe that we can create environments where every person can thrive. I am encouraged by today's deliberations, and I look forward to continuing this important work.

Again, I want to thank my colleagues and thank our witnesses for your contributions today. Mr. Chairman, I thank you, and I yield back.

Chairman KILEY. Thank you very much. I want to thank all of the witnesses for being here to testify, and for your courage. I know that you are speaking for a great many of your colleagues as well as your students in relaying the experience that you have had, and what you have been through these last several months, and even before that.

I also want to thank my colleagues and members of the Committee on both sides of the aisle, for participating today. I think it is clear there is a strong bipartisan commitment to assuring that the safety and civil rights of students and faculty alike are protected on our campuses.

I particularly appreciate the comment from Congresswoman Manning, that we cannot continue to allow the normalization of antisemitism at universities and in the workplace.

This Committee will continue to do everything we can, use every tool available to assure that that does not happen. I want to close first by citing another excerpt from the letter that I received from the President of the UC system, Michael Drake.

He said, "We readily accept our obligation to protect the rights and safety of our students, faculty, staff and visitors to our campuses. We must exercise these rights and ensure safety within the broad confines of the law, as well as the policies we have established."

Destructive actions that prevent members of the community from accessing public facilities, or leaving campus in a safe and timely fashion, are not protected actions, but illegal disruptions to the operations of our campuses, and the mission of the university."

This Committee, the full Committee, has had the opportunity at this point to hear from a number of university Presidents, and we have seen some real accountability. We have seen university leaders resign or be replaced. We have seen new initiatives on campus. We have seen reforms.

We have seen encampments taken down, so there has been some progress. The words that I just read from the President, is absolutely the right position. We have also seen that sometimes there is a disconnect between the words that we hear from these campus leaders, and what is actually going on on campus.

I appreciate our witnesses shedding some light on that, and I can assure everyone watching that this Committee is watching very closely what is happening on our university campuses, and whether the law is being upheld there. I thought I would just close by reading a few more testimonials.

This is just from one particular university, the University of San Diego. These are fully contained within the appendix to Professor Keating's testimony, but here is just a few more voices from that campus, which again, is just a few voices from one particular campus in California.

This is from Jubilee Kabalen, who is a Ph.D. student researcher. It says, "I don't feel like I can be outwardly Jewish in my place of work and schooling, and I am scared of being targeted, and I am scared of being confronted to choose or speak up. I ask myself do I do what my ancestors did, and hide my Judaism to survive, or do I show myself a Jew without trembling knees? I don't feel safe on campus. I am constantly on the brink of a breakdown with fear of people asking are you a good Jew or a bad Jew."

This is from a student employee, Hiye Renanan Bacheri, who says, "My inbox is full of emails from my Department, composed by faculty, administration and graduate students that are steeped in blood, libel and antisemitic rhetoric. I cannot turn a corner on campus without being face to face with a flyer promoting the destruction of Israel by any means necessary, posters, and graffiti and pamphlets that repeat the phrase—that repeat 'From the River to the Sea' slogan, calling for the deaths of my family, and the annihilation of any Jews who dare live in our indigenous homeland."

"About 2 weeks ago," this testimonial continues, "I walked out of the building, which I teach, and was greeted by a sign reading, 'One solution, intifada revolution.' I was talking with a student at the time, but completely froze, and couldn't continue answering his question. I was too busy dealing with PTSD, something that seems to be a regular occurrence whenever I'm on campus, which is anywhere from three to 6 days a week."

It goes on, "I'm afraid to leave my apartment for fear of the outpouring of antisemitism that's flooded the campus." Also notes, "My department has become completely inhospitable with every meeting, event and performance preceded by statements supporting the people calling for the murder of Jews."

We have several more. I will just close with Professor Jeff Bracewell who says, "During a recent hiring process for an endowed Chair in the archeology of ancient Israel, Professor has labeled candidates as 'too Zionist,' or 'too religious,' leading to hostile interviews and protests."


A distinguished archeologist faced harassment due to his religion and nationality with protestors disrupting his presentation and spreading false claims about his work." This should never happen in the United States of America, least of all at our institutions of higher learning, which are so vital to the future of our country.


Without objection, there being no further business, the Subcommittee stands adjourned.

[Whereupon, at 12:19 p.m., the Subcommittee was adjourned.]

Antisemitism, Anti-Zionism, Israelophobia, and the US Civil-Rights Act... <https://medium.com/@vardi/antisemitism-anti-zionism-israelophobia-an...>

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Antisemitism, Anti-Zionism, Israelophobia, and the US Civil-Rights Act

Moshe Y. Vardi, Rice University

Arabic Chant Learning

But first...
Learn ARABIZI!!!

3 = ع ('ayn), 7 = ح (Haa), 5 = خ (khaa), 8 = ق (qaaf)

Sahyouni itla3 barra, Falastin 7urra 7urra
(Zionist get out, Free free Palestine)

Bil roo7, biddam, nafdeeki ya (falasteen/aqsa)
(With (our) souls, with (our) blood, we redeem you oh Palestine/Aqsa)

Min il-maya lal maya, falasteen 3arabiye
(from the river to the sea, Palestine is Arab)

3ali 3ali 3ali 3ali, 3ali 3alem at-thawra 3ali
(Raise raise raise raise, raise the flag of revolution raise)

Bidna nihki al makshouf, sahyouni ma Bidna Nshoof
(Say it loud say it clear, we don't want zionists here)

Bab Al-Aqsa min 7Hadeed, mabyiftah-7a illa bi shaheed
(The door of al aqsa is made of iron, only a martyr can open it)

3ali ya baladi 3ali, elmowt wala almatheleh
(Raise your voice my country raise it, death before humiliation)

Thowra thowra 3al mu7tal, 8hayr at-thowra ma fee 7al
(Revolution revolution on the occupier, without revolution there is no solution.)

Min Gaza ila Jenin, sh3ab wa7ad mableen
(From Gaza to Jenin, one people that does not bend)

Namoot w ta7ya, Falasteen
(I die, and Palestine lives)

7urriyeh 7urriyeh, falasteen el 7urriyeh
(Freedom Freedom, for Palestine freedom)

Antisemitism is much in the news these days.

To understand why, we have to go back to October 7, 2023, when invading Hamas gunmen murdered, tortured, mass raped, and mutilated some 1,200 Israelis. The vast majority of the victims were unarmed women, children, infants and the elderly. About 240 Israeli hostages, including women, elders, children, and infants were taken as hostages to Gaza. This was the opening act of the Hamas-Israel war, which is still raging as I write these lines, with tens of thousands of Palestinian casualties, combatants and non-combatants, and over 120 hostages still in captivity in Gaza.

On December 6, 2023, I published a short essay, "[A Moral Rot at Rice University](#)", in which I charged the academic community at Rice with the antisemitism of double standard. I wrote: "It is ok to criticize Israel, but not ok to pay lip service to Palestinian atrocities. It is ok to call for a cease-fire, but not ok to ignore the hostages. It is ok to call for a two-state solution — which I strongly support — to the Israeli-Palestinian conflict. It is not ok to talk about Palestinian liberation, while mentioning the 1948 Nakba, implicitly suggesting ethnic cleansing of Jews in Israel. It is ok to express sympathy with Palestinian refugees. It is not ok to ignore close to one million Jews that were pushed out of Arab countries after the 1948 war. It is ok to talk about Palestinian casualties. It is not ok to ignore Jewish casualties and civilian casualties elsewhere in the Middle East. (Civil wars are raging in Syria, Yemen, and Sudan.) It is ok to express concerns about anti-Palestinian hate crimes. It is not ok to ignore anti-Jewish hate crimes. It is ok to demand a culture of care for Palestinian, Arab, and Muslim students, faculty, and staff. It is not ok to ignore Jewish and Israeli students, faculty, and staff." I followed up with a longer essay, trying to offer a historical perspective on [the rise of US campus antisemitism](#).

The continuation of the war in the Middle East and the high number of civilian casualties, triggered an intensive and extensive student protest movement across US campuses. That movement has been described as antisemitic by many Jews. In January of this year, a group of five non-identified Jewish students sued Harvard University in federal district court. The suit stated that Harvard "has become a bastion of rampant anti-Jewish hatred and harassment." Similar lawsuits have been launched against several other colleges and universities. The basis for these lawsuits

is the Civil Rights Act of 1964. Title VI of the Act prevents discrimination on the ground of race, color, or national origin by programs and activities that receive federal funds. Title VII of the Act prohibits discrimination by covered employers on the basis of race, color, religion, sex, or national origin. On June 17, 2024, U.S. Education Department announced that the University of Michigan and the City University of New York did not adequately investigate complaints about antisemitic or anti-Palestinian harassment linked to campus protests over the Hamas-Israel War, according to the results of their investigations.

A counterargument to the antisemitism charge is that the campus-protest movement is not antisemitic, it is anti-Zionist. This leads to an endless debate whether anti-Zionism amounts to antisemitism. Many Jewish organizations argue that anti-Zionism is antisemitic. In fact, in December 2023, The Republican-controlled House of Representatives passed a measure declaring that anti-Zionism is antisemitism. But others argue that anti-Zionism and antisemitism should not be conflated.

Rather than continue this endless debate, I argue here that we can conclude that many US colleges and universities are in violation of Title VI and VII because of pervasive anti-Zionism on campus. Consider the claim by many “I am not antisemitic; I am anti-Zionist.” What do these people mean by the term “Zionist”? Are they referring to adherents of the movement for (originally) the re-establishment and (now) the development and protection of a Jewish nation in what is now Israel? Are they objecting to the policies of Benjamin Netanyahu’s right-wing government in Israel? Let us examine how the term “Zionist” is actually used. For example, Kuwait Times uses the term “Zionist forces” to refer to the Israeli Defense Forces. A Rice University Faculty Statement of Solidarity with Palestinians also referred to “Zionist forces”. Pro-Palestinian protesters at Rice chanted (see below) “Zionist get out; Free, free Palestine;”. As the usage makes it clear, the term “Zionist” is not used in these protests in a political sense at all, rather it is used by anti-Zionists to refer to Israeli Jews — Israelis, for short, in the context of this essay. So anti-Zionism on campuses is simply anti-Israeli bigotry. Why is the term “Zionist” preferred to the term “Israeli”? The main reason, I believe, is the desire not to grant the State of Israel any legitimacy — hence the term “the Zionist entity”. It also does

not hurt that in English it is much easier to pronounce the word “Zionist” with utter disdain, due to the leading “Z”.

Anti-Zionism used to be an ideology that contrasted itself with the ideology of Zionism. In fact, anti-Zionism arose first, in the 19th Century, within Judaism — ultra-Orthodox Jews objected to political Zionism, believing that Jews must wait for redemption by the Messiah. But, as I argued, that anti-Zionism has nothing to do with the anti-Zionism displayed these days on US campuses. Judea Pearl coined the term “Zionophobia” for today’s anti-Zionism. I prefer to use the term “Israelophobia”, coined by Jake Wallis Simons. Israelophobia, hostility towards Israelis, should be distinguished from legitimate criticism of the Israeli government, but you hear little of such criticism in campus protests. What you do hear, as seen in the flier included above, for example, is, plain and simple, Israelophobic hate speech. Rice has declared that hate speech will not be tolerated. So why is Rice tolerating Israelophobic hate speech?

My aim here is not to ignore antisemitism. Many Jews believe that the pro-Palestinian campus-protest movement is deeply antisemitic, and, undoubtedly, there have been plenty of patently antisemitic incidents on US campuses. Furthermore, as Robert Wistrich pointed out, there is significant overlap between anti-Zionism and antisemitism. But the endless debate about antisemitism vs anti-Zionism misses an important point. Campus anti-Zionism is clearly anti-Israeli, that is, Israelophobic. There are Israelis on US campuses and they deserve to be free from harassment and discrimination on the basis of their national origin. Just as no one would accept the excuse “I am not Islamophobic, I am just anti-Arab”, no one should accept “I am not antisemitic, I am just anti-Israeli.” So the question now is not whether anti-Zionism is antisemitism, but whether the pervasiveness of Israelophobia on US campuses constitutes a violation of Titles VI and/or VII. For example, let us examine what happened at Rice University in the 2024 spring semester.

On February 15, 2024, a group of pro-Palestinian protesters, organized by the Rice chapter of Students for Justice in Palestine (SJP), disrupted a presentation by Antonio Neri, Chief Executive Officer of Hewlett Packard Enterprises, organized by the Rice Center for Engineering Leadership and attended by approximately 200 guests. After the disruptors were escorted out of the auditorium by Rice University

Police Department (RUPD) they regrouped outside the Brochstein Pavilion at the center of the campus, where they mounted a loud demonstration. (Another demonstration was held to protest the visit to the Baker Institute of Condoleezza Rice.) As on other campuses, the demonstrators did not call for a ceasefire or for an independent Palestinian state. Rather, their loud chants included “From the river to the sea, Palestinian shall be free”, “Intifada Revolution is the only solution”, and “Globalize the Intifada”. Undoubtedly, the chanters would agree that their chants are anti-Zionist.

Furthermore, chants about the Intifada as threatening to Israelis, rather than merely offensive. The Second Intifada was a 2000–2005 terror campaign aimed at Israeli civilians — which included suicide bombings, shootings, and stabbings — resulting in over 1,000 people murdered. I lost a very good friend in the Passover Massacre, a suicide bombing carried out by Hamas at the Park Hotel in Netanya, Israel in March 2002, during a Passover festive meal, in which 30 civilians were killed and 140 were injured. For Israelis, “Globalize the Intifada” means that not only Israelis in Israel are legitimate targets, but that Israelis everywhere are legitimate targets. The Intifada chants are simply calls for violence. As Jonathan Chait recently wrote about the recent US campus-protest movement: “The movement’s ideological character invites rage and violence.” My personal sense of threat is sharpened by the fact that many of the protesters at Rice may not even be Rice students. In campuses where arrests have been made, a significant fraction of those arrested were not affiliated with the campus, and there is evidence that also at Rice demonstrations were attended by non-students. There are about 15 Israelis at Rice. We find the Intifada chants highly threatening.

As a recent Stanford University report on antisemitism and anti-Israel bias recently asserted: “But the encampments and other protests have, at times, gone beyond these lines of argument and advocacy to call, implicitly or even explicitly, for violence, as in ‘Death 2 Settler Colonial Projects,’ ‘Long Live Palestine, Die Israel,’ ‘Decolonization is not a metaphor,’ and numerous calls and chants for Intifada. Additionally, the chant of ‘From the river to the sea, Israel will be Arab’ is hard to view as anything other than a call for ethnic cleansing.”

My response to the Israelophobic threats at Rice was to launch a formal complaint

with RUPD. On February 16, 2024, I informed RUPD, as well as Rice's leadership, that threats of violence have been issued against me and against other Israelis on the Rice campus. The only response I received was that I should download an alert app to my phone. (Other Israelis received similar advice.) Inquiries as to what happened with my RUPD complaints have been answered with "We cannot comment due to students' privacy."

I and others Israelis also filed complaints with Rice's Office of Access, Equity and Equal Opportunity (AEEEO), arguing that the threatening chants violate Rice's Policy 830 on Discrimination and Harassment. (See Rice's definition of Harassment here.) AEEEO is now investigating if the chants that we found threatening are truly threatening. Perhaps "From the river to the sea" is just about freedom, never mind that the origin of the phrase, as coined by the Palestinian Liberation Organization in the 1960s, was "from the water to the water, Palestine will be Arab", which is what protesters at the Rice "liberated zone" (see below) have been chanting in Arabic. Perhaps, "Intifada" just means "shaking off injustice", and "resistance is justified" is just about "self-defense", never mind the 1,000 Israelis that were murdered in the Second Intifada, and the 1200 Israelis that were murdered on Oct. 7. So the era of content warnings and policing of microaggressions in academia seems to have come to an end, as well as the understanding that a speaker's intent is irrelevant in deciding what speech is problematic. In fact, Rice's Policy 830 states that "Rice expects all members of the University community to ... consider how our words and acts might injure others." In contrast, now speakers get to define the meaning of their utterances.

To understand the absurdity of this most-benign-interpretation approach to the chants I find threatening, imagine a hypothetical All-Lives-Matter demonstration at Rice in 2020, in response to the Black-Lives-Matter movement. Imagine demonstrators carrying Confederate flags, chanting, "Jim Crow was right about state rights", or dressing in white robes and hoods, carrying burning crosses. Suppose they would have claimed that the flags and outfits are symbols of "Southern heritage", the crosses are symbols of Christianity, and the chants are about "federalism". Does anyone believe that such claims would have been taken seriously? Does anyone believe that Rice would not have taken action against these

hypothetical demonstrators? A burning cross is threatening to Blacks because it is the symbol of the Ku Klux Klan, of lynching, of random violence against Black. Given the mass murder of the Second Intifada and of October 7, for Israelis, Intifada chants are just as threatening as burning crosses are for Black people.

Looking at the full set of chants (see image above) clarifies their ominous nature. "Free Palestine" means that "Zionists should get out"; "Palestine will be redeemed in blood"; "Only martyrs can enter the door of al Aqsa"; and "Death before humiliation". Put in the context of the atrocities of October 7, and the threat is clear. Israel made a tragic error before October 7 not to take Hamas at its own words. We should not make the mistake of not taking the campus protesters at their own words. Yet, four months after the complaints about the threatening chants at Rice, there is yet no resolution.

Trying to push Rice's Students Judicial Program to tell me what was the outcome of my complaint about threats of violence, I quoted to them from the Family Education Rights and Privacy Act (FERPA) of 1974: "Nothing in this section shall be construed to prohibit an institution of post-secondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence," where, by statute, the term "crime of violence" means "an offense that has as an element the use, attempted use, or *threatened* use of physical force against the person or property of another." The response was still "We cannot tell you because of students' privacy." In other words, "We are not obligated to, so we will not tell you." The student-privacy argument is just an excuse.

As I have documented at length, the above are just a small part of what I called "The Rule of Lawlessness" at Rice University. In addition to Policy 830, other policies that have been violated are Policy 820 on Campus Demonstrations, Protests, and Organized Expression of Opinion, and Policy 856 on Display of Posters, Flyers, and Similar Materials in Public Places. Yet Rice refuses to say how it deals with this rampant policy violations. As the New York Times' Editorial Board recently wrote: "Rules matter only when guardrails are consistently upheld. It's in that enforcement that the leadership of too many universities has fallen short." Indeed, Rice is patently failing to enforce its own rules and policies. It is this combination of

Intifada threats and the lawlessness on the Rice campus that caused a deep sense of anxiety among Israelis at Rice.

On April 7, 2024, I wrote to the Director of Human Resources at Rice to tell her that “I am a faculty member of Rice University, and I do not feel physically safe on the campus.” I added that Rice has a duty of care to provide a workplace that is physically and emotionally safe. The response on April 12 was that if I do not feel physically safe, I should call RUPD and if I do not feel emotionally safe, I should seek counseling. Following that deeply unsatisfying answer, a group of about ten Israelis — faculty members, staff members, and students — held a meeting in mid April with the leadership of the university. We made it clear that we do not feel safe on the Rice campus. Two people pulled out pocket knives (allowed by [Policy 835](#) on Weapon Prohibition) that they carry with them for self defense while on the Rice campus. The leadership listened with interest, but no promise of concrete steps to address these issues was made, other than a vague statement about something to be done during Orientation Week in the fall. So far, no plan has been announced on how to keep Israelis safe on the Rice campus.

A response of sorts came a week later, when Rice SJP [declared](#) a “liberated zone” on campus. This encampment was in response to a “[Call-to-Action](#)” by National SJP. The image above is of a flier distributed by the protesters at the Rice encampment. It clarifies what the chant “Free Palestine” means; it means “Zionists get out”, i.e., ethnic cleansing. Another chant glorifies violence against Israelis, “with blood we redeem you Palestine”. The chant “We don’t want Zionist here”, turns the “liberated zone” into a Israeli-exclusion zone on the campus of Rice University.

The [Clery Act](#) requires colleges and universities to report campus crime data, support victims of violence, and publicly outline the policies and procedures they have put into place to improve campus safety. The Clery Act also covers intimidation motivated by bias, which is considered a hate crime. I asked RUPD whether my complaint about the threatening chants will be included in their Clery Act report. They promised to look into that, but so far, Rice has yet to say whether it will report the Intifada chants as a threat of violence.

The commencement ceremony in US universities is the highlight of the academic

year. It marks the end of the academic year, but, more significantly, it marks the start of educated life for the students who are graduating with academic degrees. It is a very formal event, with regalia, music, marches, and speeches full of life wisdom. This year would have been my 30th commencement event at Rice University, and I have decided to skip it. The campus was not safe enough for me to do so.

So Israeli students and employees are harassed and threatened on the campus of Rice University. Furthermore, these threats occur in a campus environment that can be fairly described as lawless. Under Title VI, a hostile environment exists where there is conduct, including verbal, that is sufficiently severe, pervasive, or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities, or privileges provided by a school. Under Title VII, a hostile work environment exists when the workplace is “permeated with ... intimidation ... that is sufficiently severe or pervasive to alter the conditions of the victim’s employment and create an abusive working environment.” Israelis at Rice have to arm themselves in order to feel safer on campus. Is this not a hostile environment?

So, does “anti-Zionism is not antisemitism” provide an exemption from the Civil-Rights Act? Absolutely not! Not at Rice and not on other campuses.

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Subcommittee on Workforce Protections

U.S. House of Representatives

COMBATING WORKPLACE ANTISEMITISM IN POSTSECONDARY EDUCATION: PROTECTING EMPLOYEES FROM DISCRIMINATION

June 26, 2024 - 10:00 AM

Statement For the Record

Eric Moed, Adjunct Assistant Professor, Pratt Institute School of Architecture

ANTISEMITISM AT PRATT INSTITUTE

Pratt Institute has fostered a hostile environment for Jewish Students and Faculty, preventing them from engaging in educational opportunities at Pratt due to pervasive antisemitism.

Over the past year teaching at Pratt Institute, I have witnessed and directly experienced discrimination against Jewish faculty, students, and clergy manifest in many forms - all of which have one thing in common - they have gone completely unchecked by the school's administration and leadership.

My academic focus is the study of historical and contemporary tensions and discourse in public space. As an adjunct academic with a focus on teaching and interacting with students in the classroom principally - I understand the effort that it takes to foster an environment where many points of view are encouraged while ensuring that all students are held to account on both *how* they express those viewpoints, specifically the quality of their argument and it's underlying research. It is with this lens that I can wholeheartedly state that Pratt Institute has failed to not only uphold the law vis-a-vis student's civil rights but has also failed to uphold and enforce their own Community Standards.¹

Since October 7th 2023 I have witnessed blatant discrimination on the basis of nationality, faith and ethnicity take place at every level of the institution. Professors like myself have been thrust into the role of consoling students who have been simultaneously singled out by professors for being Jewish or Israeli and summarily ignored by the administration, who abdicated their responsibility to not only protect these individuals but to set an on-campus standard in accordance with US Law. I have been threatened and accosted by students and by the university itself sent a formal HR letter on the basis of my passive photo/video documentation of antisemitic incidents in public spaces and events on campus. While other minority groups are encouraged to document and confront hate, the institute has enacted new policies to prevent Jewish faculty and students from documenting antisemitism such as the institute's recent ban

¹ [<https://www.pratt.edu/administrative-departments/student-affairs/community-standards-and-student-policies/community-standards/>].

on recording zoom meetings and the tolerance of newly mandated community agreements which state that attendance at public Pratt events hinges upon those in attendance not recording those events.

Below is an accounting of specific antisemitic instances over the past academic year of Fall 2023 – Spring 2024, with accompanying evidence for the record.

On October 17th, a mere 10 days after the massacre of over 1000 Israeli civilians on 10/7, a "Palestine Teach-In" event took place on campus wherein the presenter expressed explicit support for the massacre on 10/7 and the mission of multiple internationally recognized terrorist groups. I attended the event and was shocked to see slides on the topic of "martyrdom" presented along with the glorification of members of recognized terrorist groups such as the *Palestinian Islamic Jihad (PIJ)* and the *PFLP*. The presenter also expressed strong support for specific individuals who have conducted terrorist crimes, including but not limited to *Ibrahim al-Nablusi* - a member of the Hamas-allied '*Lion's Den*' militant group. The student urged attendees to boycott Jewish-owned businesses as well as the businesses of Israeli and Jewish allies. He additionally condemned the United States' efforts to combat terrorist organizations. Principally, the event glorified violence, terrorism, and openly spewed hate speech against members of our Pratt community.

Pratt Institute allowed this individual to host this event, despite the fact that the administration was informed of the organizer's views over 48 hours prior to the presentation. The student had posted a photo to his Instagram account on Oct 7th with the caption 'Mashallah' along with photos of a map with an arrow pointing from Gaza into mainland Israel and a photo of him smiling widely in a Keffiyeh while giving the Victory sign. It is crucial to mention that the program was booked by the Pratt Photo Department and was promoted on official Pratt social media, leading to the attendance of approximately 75 students.

Several members of the Pratt administration were also in attendance. The administrators sat idly by without intervening as pro-terrorist rhetoric was advocated in a Pratt classroom, and remained silent in its aftermath, refusing to distance the university from the content of the event. What was shared on October 17th contravenes Pratt Institute's Nondiscrimination and Anti-Harassment Policy, Community Standards and Student Conduct Standards and constitutes hate speech which violates Title VI of the Civil Rights Act. Both prior to and after the event, the Institute's response to the concerns of Pratt's Jewish students, alumni and staff have been consistently met with inaction. After the event the student presenter was granted a position as the figurehead of a Pratt-sponsored club "International Solidarity Pratt," a Palestinian hate group under the guise of advocacy and is now platformed by the school.

Approximately a month later, on Nov. 16th concerned Jewish Faculty, Staff and Students met with Pratt President Frances Bronet and VP of Student Affairs Delmy Lendof. As soon as the meeting commenced President Bronet and her staff attempted to remove the faculty and clergy staff who were invited to support the students. The students refused to be present without the faculty due to feeling unsafe after over a month of inaction by the administration to respond to

the ever-present violent rhetoric and imagery on campus. After several testimonials centered on the discrimination that Jews face on Pratt's campus, the VP of student affairs Delmy Lendof affirmed that chanting "from the water to the water Palestine will be Arab" is permitted on campus with the faulty rationale that "there is no protest policy."

Lendof also told all present that it was "OK to threaten to kill people who look like the president of the school or a group of people such as 'white people' en masse, as long as the threat is not directed towards an individual." Finally, the VP stated that there is a non-public procedure - that only she knows and will not share - to report violent speech. Concurrently, Uzma Rizvi, Pratt Faculty Senate President sent out hateful monthly newsletters explicitly accusing Israel of genocide and lauding the suicidal ideations of Aaron Bushnell as "natural and necessary." Rizvi convened a highly problematic forum on "Academic Freedom" only to turn it into a public display in the Pratt Library with messaging to "Agitate Free Palestine." She has glorified suicide/self-immolation and traffics in blood libel and completely unfounded accusations against Israel.

Subsequently the Pratt Faculty Senate, under the stewardship of Rizvi organized a wide-ranging Israel Boycott - with a vote on Passover.² This unprecedented and reckless vote that included a cultural boycott of Israel events and Israeli Institutions. Once the news broke of the blatant attempt to hold the vote on a Jewish holiday, the vote was postponed - but only I was given the opportunity to present a counter-resolution, as opposed to the over 50 faculty constituents invited to present in favor of the Israel boycott. Rizvi has also posted photos of "bloody hands" praising the students who used the red paint to deface property on Pratt's campus.³

Finally, multiple Pratt students and faculty have been threatened and harassed online and in-person on campus for simply being Jewish and Pro-Israel. I count myself amongst this group. A colleague of mine was forced to teach her Fall 2023 classes online due to doxing and harassment from Pratt Students; the school has done little to nothing to support her or make her feel safe, refusing to provide additional security measures or discipline the students who harassed her. This is par for the course as several colleagues have lauded convicted terrorists and used charged language such as the term "zionazi"⁴ with no consequences. How are Jewish faculty supposed to feel safe on campus at Pratt Institute when both their colleagues and students threaten them with impunity?

In sum, Jewish faculty and students are not only terrified to come to campus but have been advised multiple times by security officials that it is in fact dangerous to do so. These Jewish students and faculty are calling me - an adjunct professor, because the school's administration has failed them and left them unanswered and unaccounted for. Documentation such as photo and video evidence of the events listed above are linked below.

² <https://nypost.com/2024/04/21/us-news/pratt-institute-accused-of-antisemitism-over-possible-israel-boycott-vote-during-passover-absolutely-obscene/>

³ <https://nypost.com/2024/04/28/us-news/pratt-institute-red-hands-painting-on-tree-used-to-terrorize-jewish-students-critics-say/>

⁴ https://drive.google.com/file/d/1R4Df9SFFsGVJJ0_vp4e8r2WsM841Bzx5/view?usp=drive_link

Below is a bulleted summary of antisemitic events at Pratt Institute during the 23-24 AY, with sources and links to documented evidence.

FALL 2023

- **Oct 17th Event** - sanctioned by school / pre-Oct 17 warnings about a student presenter posting celebratory posts on Oct 7th and violent content of upcoming teach-in IGNORED pre AND post event, Student was subsequently promoted to president of a Pratt-sponsored club called International Solidarity Pratt. Source: https://drive.google.com/drive/folders/1_3MOeLues1hSdQ04FyuA_Uw1GgwcNQN?usp=drive_link
- **Nov 9th Walk-Out** Professors encourage students to participate and participating themselves, Students chanting "Intifada" "From the water to the water Palestine will be Arab," and many other genocidal chants. Professor lauding Leila Khalid. Source: https://drive.google.com/drive/folders/1IS5PhV6_XyNON3DMdacndsy5d-EAUj-T?usp=drive_link
- **Unauthorized signs** posted on every classroom and hallway asking students to join Walk-Outs, almost on a weekly basis.
- Academic Departments overriding the Institute's rules regarding students soliciting permission to post flyers by sponsoring and printing thousands of posters which contain discriminatory and violent content and imagery such as erasing Israel from the map. Source: https://drive.google.com/file/d/10XfubH1DrGqA-a30gK2nE215Oy4uUE40/view?usp=drive_link
- **Anti-Israel signs placed on Jewish Faculty members desks**
- **Students being threatened and harassed in their DMs and in-person on campus**
- **Doxing of Jewish Faculty and Students** - Jewish faculty members are teaching on Zoom due to feeling unsafe due to direct threats (and denied security by the school) Source: https://drive.google.com/drive/folders/1V9VP5a1AwjSSURjtBILOrKWpwi2L_dx?usp=drive_link
- **Jewish students don't feel safe being on campus or to class.** Ex: one student told a faculty member they didn't want others to know they were Israeli.
- **Student in-class discrimination and harassment:** student had to switch out of a class due to her being singled out for being Jewish and her professor lowering her grades
- **Pratt Professor Kumru Toktamis Teaches Holocaust Revisionism** in her courses and is documented to have forced a Jewish student to state that "Israel is worse than the Nazis"
- **Nov 15th | Listening Circle** - Forum for Antisemitism hosted by Pratt's DEI Department. Source: https://drive.google.com/drive/folders/1kl48-HOI9nwKO-PY9bHczSUCeWFCiNI7?usp=drive_link
- **DEI antagonism** (refusal to teach antisemitism, history of directly demeaning and belittling Jewish students and telling them to "learn about Palestine" when they report antisemitism on campus)
- **Nov. 16th meeting with the Pratt President and Pratt VP of Student Affairs** VP of student affairs affirmed that "from the water to the water Palestine will be Arab" is

absolutely ok to say on campus with the faulty rationale that "there is no protest policy" *The VP of student affairs Delmy Lendof also told students that it was "OK to threaten to kill people who look like the president of the school or a group of people such as white people, as long as the threat is not directed towards an individual."* Finally the VP stated that there is a non-public procedure *that only she knows and will not share* to report violent speech. Source:

https://docs.google.com/document/d/19L4MMNUsiw1yUPrN_Is4j2p7FyxyF0f7-E6_0zX4c_E/edit?usp=sharing

- **December 11th Faculty "Teach In"** - Professor lauded the PFLP and convicted terrorist Leila Khalid and while another referred to Israel's founding as a "nefarious plot between the Zionists and the British." Source: https://drive.google.com/drive/folders/1-5GKr7yhiqvUv-IG-iDNYL1C-pg9Te5I?usp=drive_link
- **December 13th Menorah Desecrated:** a note was posted on the menorah which stated "Pray for Palestine.. with Ur Hanukkah Prayers" Source: https://drive.google.com/drive/folders/1rNX8zrSco5Ofz37-C3Kj_7y3S1L_6ozz?usp=drive_link
- **Faculty Senate and Faculty Union IG Posts Trafficking in Antisemitic Tropes** Source: https://drive.google.com/drive/folders/1-6byJ9NXF25PE6H9MwbX96ydT3hiVDmq?usp=drive_link
- Communications from Jewish Students, Faculty and Clergy have gone unaddressed since 10/7
- Pratt Administration Discourages including antisemitism in filing formal complaints.
- **Multiple emails and direct questions to admins asking about how to report antisemitic incidents were skirted and left unanswered.**
- **There is no on-campus antisemitism training or programming at Pratt Institute.**
- The only antisemitism training that was offered in 2023 was off campus in another borough of New York City.
- **The former head of Pratt's DEI Department stated in 2021 that Jewish Students concerned with rising antisemitism in the US "should learn more about Palestine."**
- **Jewish Clergy at Pratt Institute were reprimanded** for reaching out to several administrators with concerns about a student posting images of a man with an AK-47 and Molotov Cocktail that stated "When are we doing this," instead of confronting or responding to the violent imagery.

SPRING 2024


- **Uzma Rizvi, Pratt Faculty Senate President sends hateful monthly newsletters** accusing Israel of genocide and lauding suicidal ideations of Aaron Bushnell as natural and necessary. Uzma is deeply disingenuous and highly problematic as a senate figurehead. The Faculty Senate made an entire forum on "Academic Freedom" only to turn it into a public display in the Pratt Library with messaging to "Agitate Free Palestine." She has glorified suicide/self-immolation and traffics in blood libel and completely unfounded accusations against Israel. Source:


https://drive.google.com/drive/folders/1-6byJ9NXF25PE6H9MwbX96ydT3hiVDmq?usp=drive_link

- At the 'Academic Freedom' event, faculty were encouraged to craft in fabric "what academic freedom means to me". Those fabric crafts were then taken and transformed into a biased statement piece, without the consent of the faculty members who participated in the event.
- **Pratt Faculty Senate Organizes Israel Boycott vote on Passover** An unprecedented and reckless vote that included a cultural boycott of Israel events and Israeli Institutions. Source: <https://nypost.com/2024/04/21/us-news/pratt-institute-accused-of-antisemitism-over-possible-israel-boycott-vote-during-passover-absolutely-obscene/>
- Pratt Institute's Title VI department claims to have no Working Definition of Antisemitism in meetings with Jewish Clergy and Students.
- Forceful takeover of campus buildings with Antisemitic Signs and Messages, while Pratt faculty with armbands working with students to intimidate Zionist students and professors on campus Source: https://drive.google.com/drive/folders/1xUAYHmJBELXxWISq6avHapvJQQrIU_eo?usp=drive_link + <https://www.instagram.com/reel/C6mUuQQvR2R/?igsh=b2xqZ3dnZHK1dXoy>
- **Pratt Faculty teaches a workshop on how to evade the NYPD + FBI**
- **Bloody Hands were left on Trees and Buildings for months at Pratt** Source: <https://nypost.com/2024/04/28/us-news/pratt-institute-red-hands-painting-on-tree-used-to-terrorize-jewish-students-critics-say/>
- **When meeting with Jewish Students and Clergy Title VI administrators provided no answers** regarding questions about what constitutes antisemitism. In fact the Title VI administrators stated that when confronted with violent imagery posted on campus and online by students and faculty that it was similar to "when the KKK comes to a campus - and that we should get more used to being uncomfortable."
- **There is no working definition of Antisemitism at Pratt Institute.**

From Moral Rot to the Rule of Lawlessness at Rice University | by Mo... <https://medium.com/@vardi/from-moral-rot-to-the-rule-of-lawlessness-a...>

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From Moral Rot to the Rule of Lawlessness at Rice University

Moshe Y. Vardi, Rice University



The commencement ceremony in US universities is the highlight of the academic year. It marks the end of the academic year, but, more significantly, it marks the

start of educated life for the students who are graduating with academic degrees. It is a very formal event, with regalia, music, marches, and speeches full of life wisdom. This year would have been my 30th commencement event at Rice University, and I have decided to skip it.

To understand why, we have to go back to October 7, 2023, when invading Hamas gunmen murdered, tortured, mass raped, and mutilated some 1,200 Israelis. The vast majority of the victims were unarmed women, children, infants and the elderly. About 240 hostages, including women, elders, children, and infants were taken as hostages to Gaza. This was the opening act of the Hamas-Israel war, which is still raging as I write these lines, with tens of thousands of Palestinian casualties, combatants and non-combatants, and over 130 hostages still in captivity in Gaza.

On December 6, 2023, I published a short essay, "[A Moral Rot at Rice University](#)", in which I charged the academic community at Rice with the antisemitism of double standard. I wrote: "It is ok to criticize Israel, but not ok to pay lip service to Palestinian atrocities. It is ok to call for a cease-fire, but not ok to ignore the hostages. It is ok to call for a two-state solution — which I strongly support — to the Israeli-Palestinian conflict. It is not ok to talk about Palestinian liberation, while mentioning the 1948 Nakba, implicitly suggesting ethnic cleansing of Jews in Israel. It is ok to express sympathy with Palestinian refugees. It is not ok to ignore close to one million Jews that were pushed out of Arab countries after the 1948 war. It is ok to talk about Palestinian casualties. It is not ok to ignore Jewish casualties and civilian casualties elsewhere in the Middle East. (Civil wars are raging in Syria, Yemen, and Sudan.) It is ok to express concerns about anti-Palestinian hate crimes. It is not ok to ignore anti-Jewish hate crimes. It is ok to demand a culture of care for Palestinian, Arab, and Muslim students, faculty, and staff. It is not ok to ignore Jewish and Israeli students, faculty, and staff." I followed up with a longer essay, trying to offer a historical perspective on [the rise of US campus antisemitism](#).

The continuation of the war in the Middle East and the high number of civilian casualties, triggered an intensive and extensive student protest movement across US campuses. The protest movement at Rice started on February 15, 2024, when a group of pro-Palestinian protesters disrupted a presentation by Antonio Neri, Chief Executive Officer of Hewlett Packard Enterprises, organized by the Rice

Center for Engineering Leadership and attended by approximately 200 guests. The response by Rice to this clear violation of the university's Code of Student Conduct, as well as Policy 820, was a thundering silence. In fact, the only public response to the disruption was an op-ed article at Rice's student newspaper, The Thresher. The article ended with "This is an institutional matter, and I wait for an institutional reply from the Rice president, provost and other authorities." No institutional reply ever came. When explicitly asked, the response from Rice leadership has been "We cannot comment due to students' privacy", even though they could have commented without mentioning students' names.

After the disruptors were escorted out of the auditorium by Rice University Police Department (RUPD) they regrouped outside the Brochstein Pavilion at the center of the campus, where they mounted a loud demonstration. (Another demonstration was held to protest the visit to the Baker Institute of Condoleezza Rice.) As on other campuses, the demonstrators did not call for a ceasefire or for an independent Palestinian state. Rather, their loud chants included "From the river to the sea, Palestinian shall be free", "Intifada Revolution is the only solution", and "Globalize the Intifada". There has been an extensive debate whether such chants are or not antisemitic. But I am an Israeli Jew (Israeli, for short). We hear people say these days, "I am not antisemitic; I am anti-Zionist." I doubt that these people can define "Zionist"; "Zionist" for them has just become a code word for "Israeli". I challenge anyone to argue that such chants are not anti-Israeli. As Judith Shulevitz wrote, "A close look at the words being shouted at protests on campuses across the country reveals why some see the pro-Palestinian cause as so threatening."

My aim here is not to ignore antisemitism, but the endless debate about antisemitism vs anti-Zionism misses an important point. Anti-Zionism is clearly anti-Israeli. There are Israelis on US campuses and they deserve to be free from harassment and discrimination on the basis of their national origin. Just as no one would accept the excuse "I am not Islamophobic, I am just anti-Arab", no one should accept "I am not antisemitic, I am just anti-Israeli."

Furthermore, I view chants about the Intifada as threatening, rather than merely offensive. The Second Intifada was a 2000–2005 terror campaign aimed at Israeli civilians — which included suicide bombings, shootings, and stabbings — resulting

in over 1,000 people murdered. I lost a very good friend in the [Passover Massacre](#), a suicide bombing carried out by Hamas at the Park Hotel in Netanya, Israel in March 2002, during a Passover festive meal, in which 30 civilians were killed and 140 were injured. To me “Globalize the Intifada” means that not only Israelis in Israel are legitimate targets, but that Israelis everywhere are legitimate targets. The Intifada chants are simply calls for violence. As Jonathan Chait recently [wrote](#) about the recent US campus-protest movement: “The movement’s ideological character invites rage and violence.” My personal sense of threat is sharpened by the fact that many of the protesters at Rice may not even be Rice students. In campuses where arrests have been made, a significant fraction of those arrested [were not affiliated](#) with the campus, and there is [evidence](#) that also at Rice demonstrations were attended by non-students. There are about 15 Israelis at Rice. We find the Intifada chants highly threatening.

My response to these threats was to launch a formal complaint with RUPD. On February 16, 2024, I informed RUPD, as well as Rice’s leadership, that threats of violence have been issued against me and against other Israelis on the Rice campus. The only response I received was that I should download an alert app to my phone. (Other Israelis received similar advice.) Inquiries as to what happened with my RUPD complaints have been answered with “We cannot comment due to students’ privacy.”

I and others also filed complaints with Rice’s Office of [Access, Equity and Equal Opportunity](#) (AEEO), arguing that the threatening chants violate Rice’s [Policy 830](#) on Discrimination and Harassment. (See Rice’s definition of Harassment [here](#).) AEEO is now investigating if the chants that we found threatening are truly threatening. Perhaps “From the river to the sea” is just about freedom, never mind that the origin of the phrase, as coined by the Palestinian Liberation Organization in the 1960s, was “from the water to the water, Palestine will be Arab”, which is what protesters at the Rice “liberated zone” (see below) have been [chanting](#) in Arabic. Perhaps, “Intifada” just means “shaking off injustice”, and “resistance is justified” is just about “self-defense”, never mind the 1,000 Israelis that were murdered in the Second Intifada, and the 1200 Israelis that were murdered on Oct. 7. So the era of content warnings and policing of [microaggressions](#) in academia seems to have come to an end, as well

as the understanding that a speaker's intent is irrelevant in deciding what speech is problematic. In fact, Rice's Policy 830 states that "Rice expects all members of the University community to ... consider how our words and acts might injure others." In contrast, now speakers get to define the meaning of their utterances.

To understand the absurdity of this most-benign-interpretation approach to the chants I find threatening, imagine a hypothetical All-Lives-Matter demonstration at Rice in 2020, in response to the Black-Lives-Matter movement. Imagine demonstrators carrying Confederate flags, chanting, "Jim Crow was right about state rights", or dressing in white robes and hoods, carrying burning crosses. Suppose they would have claimed that the flags and outfits are symbols of "Southern heritage", the crosses are symbols of Christianity, and the chants are about "federalism". Does anyone believe that such claims would have been taken seriously? Does anyone believe that Rice would not have taken action against these hypothetical demonstrators? For Israelis, Intifada chants are just as threatening as burning crosses are for Black people.

More than three months after the complaints about the threatening chants, there is yet no resolution.

Trying to push Rice's Students Judicial Process to tell me what was the outcome of my complaint about threats of violence, I quoted to them from the Family Education Rights and Privacy Act (FERPA) of 1974: "Nothing in this section shall be construed to prohibit an institution of post-secondary education from disclosing the final results of any disciplinary proceeding conducted by such institution against a student who is an alleged perpetrator of any crime of violence," where, by statute, the term "crime of violence" means "an offense that has as an element the use, attempted use, or *threatened* use of physical force against the person or property of another." The response was still "We cannot tell you because of students' privacy." In other words, "We are not obligated to, so we will not tell you." The student-privacy argument is just an excuse.

Beyond the threatening nature of the February 15, 2024 demonstrations, there is the issue of compliance with Rice's Policy 820. The policy requires those wishing to organize or stage demonstrations or protests on any University property to contact

RUPD at least 48 hours in advance of the activity to request permission to hold the activity. Did the February 15 demonstrations receive Rice's pre-approval? Only Rice knows and Rice has chosen to stay silent. Policy 820 also states that "Groups outside of the Rice community are generally not permitted to use the campus for demonstrations, protests, organized expressions of opinion, or meetings or similar activities; if a group from outside Rice seeks to participate in an event organized by a group within the Rice community, the outside group must request permission to participate at least 48 hours in advance." Did Rice allow people not affiliated with Rice to participate in demonstrations on the Rice campus? Only Rice knows, and Rice has chosen to stay silent.

Also in spring 2024, Rice's Student-for-Justice in Palestine (SJP) student club launched its BDS campaign. Rice SJP is under the leadership of National SJP, an organization that describes itself as "Supporting over 350 Palestine solidarity organizations across occupied Turtle Island ("North America")". (For a thorough analysis of SJP, see "Students for Justice in Palestine Unmasked".) BDS is a Palestinian-led movement promoting boycotts, divestment, and sanctions against Israel. National SJP has called on SJP chapters to "seize the university and force the administration to divest, *for the people of Gaza*." In early April 2024, the Student Association (SA) was scheduled to vote on a resolution to boycott and divest SA funds from Israel-aligned companies. At almost the last moment, the SA had to table the resolution after a student filed a discrimination complaint with AEEO. According to Rice Thresher, the AEEO director notified the SA of the complaint. The complainant had requested that the SA's Senate withhold voting on the resolution, which AEEO granted while the complaint was being investigated. The resolution's authors claimed the administration's response was an "overstep of power," according to the Thresher. "We believe this is a direct violation of our freedom of expression," they wrote in a statement to the Thresher. "We view this as an overstep of power by the administration on Student Association proceedings." I actually agree with the students on this issue. The complaint does not justify prior restraint. (Rather, I believe that the resolution was beyond the authority of SA, and Rice should have told them so.) I suspect that the true reason for this blatant exercise of prior restraint is a flood of letters and emails that Rice received when the draft resolution became public in late March. It does not look good in Houston for Rice University to boycott

Chevron. Rice SJP mounted a demonstration to protest the tabling of the resolution. It is not clear if this demonstration met the 48-hour-in-advance pre-approval requirement. Only Rice knows and Rice has chosen to stay silent.

Rice SJP launched the BDS campaign at Rice already in February 2024, when it started flooding the campus with BDS posters. In response to that, Rice quickly issued a poster policy. Policy 856 aims at establishing campus-wide rules for display of posters, flyers, and similar materials in public places at Rice University. But Policy 856 is openly flaunted. For example, the policy requires that “Posters must clearly and visibly display the name of the sponsor; the date of posting; and the email address and/or phone number of the sponsor.” BDS posters at Rice openly violate this requirement. Rice SJP’s “defense” is that they printed and distributed the posters, but they did not actually post them. Yet Rice has yet to decide who at Rice should adjudicate violations of Policy 856, so no disciplinary measures have been taken, in spite of numerous complaints.

In early April 2024, I filed a formal complaint with Rice’s Student Affairs against Rice SJP. I argued that Rice SJP has been violating its own constitution, which requires “adherence to Rice University institutional policies”. Rice SJP has been disrupting university events in violation of Rice’s Code of Student Code of Conduct and Policy 820, Rice SJP demonstrators have been expressing threats against Israelis, in violation of Policy 830, and Rice SJP has been distributing posters on campus in violation of Policy 856. Since Rice’s student clubs are required to be registered with Rice to be officially recognized, I asked that Rice SJP’s registration be reconsidered. The response was that such matters belongs to Rice’s Student Judicial Programs and not to Student Affairs. But Student Judicial Programs follows Rice’s Code of Student Conduct, which is aimed at conduct by individual students, and not by clubs. So far it seems that Rice simply does not have a disciplinary process for clubs.

It would appear that many of the students who have been violating Rice rules and policies are international students, probably paying full tuition. Academic suspension or expulsion would terminate their ability to remain in the country. Perhaps Rice has refrained from disciplining these students out of concerns for “collateral consequences”. Only Rice knows, and Rice has chosen to stay silent.

So Rice refuses to say how it enforces its own Code of Student Conduct or Policy 820, does not enforce its own Policy 130, does not know who is supposed to enforce Policy 856, and does not know who has jurisdiction over student clubs. Hence the phrase “rule of lawlessness” in the title of this article, and hence my anxiety about physical safety on the Rice campus.

In mid April, Rice received a “D” rating on the Anti-Defamation League’s (ADL) antisemitism report card, citing its “deficient approach” to antisemitism. The Houston Chronicle explained that “free speech issues complicate Rice University’s ‘D’ rating on ADL’s antisemitism report card”. But when speech crosses the line into harassment based on race, national origin, religion, or sex, it violates federal civil-rights laws, and schools can — and indeed *must*, if they receive federal funding — prohibit it. In fact, Rice’s Policy 130 is clear about that. Had the ADL rated Rice on its approach to anti-Israeli harassment, Rice should have received an F, I believe, rather than a D. As the New York Times’ Editorial Board recently wrote: “Rules matter only when guardrails are consistently upheld. It’s in that enforcement that the leadership of too many universities has fallen short.” Indeed, Rice is patently failing to enforce its own rules and policies, yet it seems to believe it is doing the “right thing”.

On April 7, 2024, I wrote to the Director of Human Resources at Rice to tell her that “I am a faculty member of Rice University, and I do not feel physically safe on the campus.” I added that Rice has a duty of care to provide a workplace that is physically and emotionally safe. The response on April 12 was that if I do not feel physically safe, I should call RUPD and if I do not feel emotionally safe, I should seek counseling. Following that deeply unsatisfying answer, a group of about ten Israelis — faculty members, staff members, and students — held a meeting in mid April with the leadership of the university, including the president. We made it clear that we do not feel safe on the Rice campus. Two people pulled out pocket knives that they carry with them for self defense while on the Rice campus. The leadership listened with interest, but no promise of concrete steps to address these issues was made, other than a vague statement about something to be done during Orientation Week in the fall. So far, no plan has been announced on how to keep Israelis safe on the Rice campus.

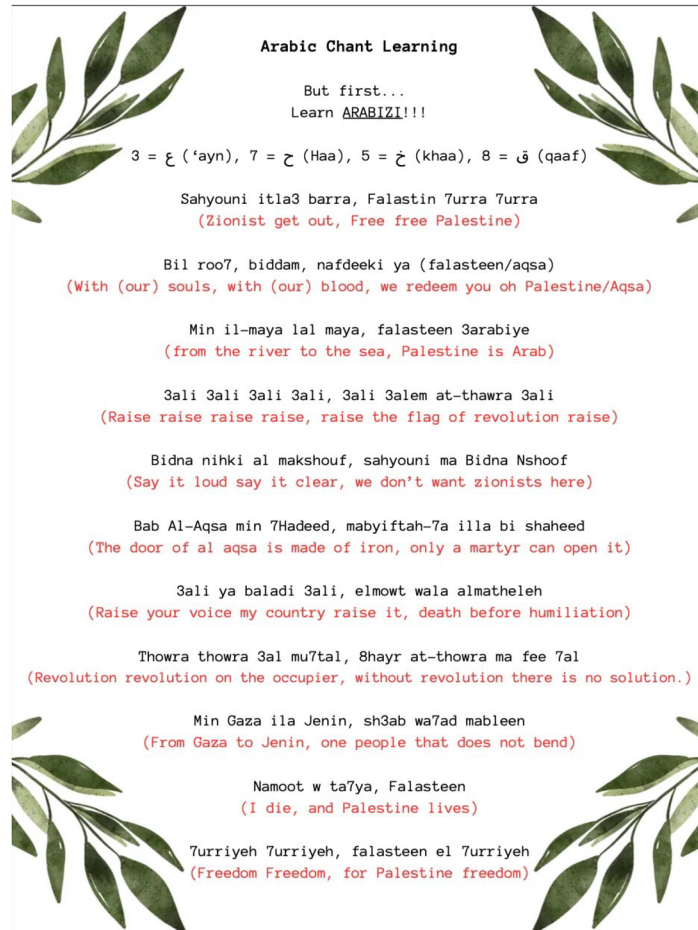
A response of sorts came a week later, when Rice SJP declared a “liberated zone” on campus. Rice said that this “encampment” had their approval, and called it a “student-led teach-in event”, but the approval — acquiescence may be a better description — came after the fact and was not obtained 48 hours in advance, as required. This encampment was in response to a “Call-to-Action” by National SJP.



The image below is of a poster distributed at the Rice encampment. It clarifies what the chant “Free Palestine” mean; it means “Zionists get out”, i.e., ethnic cleansing. Another chant glorifies violence against Israelis, “with blood we redeem you

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Palestine". The chant "We don't want Zionist here", turn the "liberated zone" into a Israeli-exclusion zone.



Arabic Chant Learning

But first...
Learn ARABIZI!!!

3 = ع ('ayn), 7 = ح (Haa), 5 = خ (khaa), 8 = ق (qaaf)

Sahyouni itla3 barra, Falastin 7urra 7urra
(Zionist get out, Free free Palestine)

Bil roo7, biddam, nafdeeki ya (falasteen/aqsa)
(With (our) souls, with (our) blood, we redeem you oh Palestine/Aqsa)

Min il-maya lal maya, falasteen 3arabiye
(from the river to the sea, Palestine is Arab)

3ali 3ali 3ali 3ali, 3ali 3alem at-thawra 3ali
(Raise raise raise raise, raise the flag of revolution raise)

Bidna nihki al makshouf, sahyouni ma Bidna Nshoof
(Say it loud say it clear, we don't want zionists here)

Bab Al-Aqsa min 7Hadeed, mabyiftah-7a illa bi shaheed
(The door of al aqsa is made of iron, only a martyr can open it)

3ali ya baladi 3ali, elmowt wala almatheleh
(Raise your voice my country raise it, death before humiliation)

Thowra thowra 3al mu7tal, 8hayr at-thowra ma fee 7al
(Revolution revolution on the occupier, without revolution there is no solution.)

Min Gaza ila Jenin, sh3ab wa7ad mableen
(From Gaza to Jenin, one people that does not bend)

Namoot w ta7ya, Falasteen
(I die, and Palestine lives)

7urriyeh 7urriyeh, falasteen el 7urriyeh
(Freedom Freedom, for Palestine freedom)

While Rice was able to avoid the violence that accompanied encampments on other campuses, the praise to the organizers in Rice's end-of-semester email, seemed out of place after a semester of lawless behavior by Rice SJP. The email stated that "Rice unequivocally considers calls for violence or genocide against any group to be evil, wrong and immoral," but, so far, Rice declined to go beyond such generic announcements and address specific utterances that Israelis find threatening, such as "global intifada" and "from the water to the water, Palestine will be Arab". The email claimed that "Those who violate our policies will face consequences through our established processes." But what we have learned over the past few months is that those established processes have huge gaps in them, and then Rice uses privacy as an excuse to avoid accountability.

The Clery Act requires colleges and universities to report campus crime data, support victims of violence, and publicly outline the policies and procedures they have put into place to improve campus safety. The Clery Act covers also intimidation motivated by bias, which is considered a hate crime. I asked RUPD whether my complaint about the threatening chants will be included in their Clery Act report. They promised to look into that.

So I did not attend Commencement at Rice in 2024. The campus was not safe enough for me to do so.

Post-commencement, the Rice campus is quieter now as most students are gone for the summer. But the fall semester starts in just three months. The summer break provides Rice with an opportunity to reflect and decide how to bring back the rule of law to the Rice campus.

P.S. The image at the top is of a large poster that was posted in front of Rice's Multicultural Center (MCC), which is part of Rice's Office of the Provost. The MCC has worked closely with Rice SJP already in the of fall 2023. In fact, the Director of the MCC called for "civil disobedience", that is, breaking Rice's rules. The Popular University for Gaza is an initiative of National Students for Justice for Palestine, launched on April 20, 2024, as "a coordinated pressure campaign against university administrations and trustees to immediately divest from the Israeli state." This

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poster was posted by Rice SJP with Rice's approval, but it violates Policy 856, as it does not identify the sponsor of the poster. This means that Rice approved a poster that violates its own policy — the very definition of lawlessness.

Rice University

Anti Israel Protests



Follow



Written by Moshe Vardi

748 Followers

More from Moshe Vardi

July 8, 2024

Dear Members of the Education & Workforce Committee,

My name is Anna Keiserman, and I am a proud American, Jewish, Israeli and Russian citizen. For several years now, I have served as an Assistant Professor of Music in the Arts and Design Department at Raritan Valley Community College (RVCC) in Branchburg, New Jersey, on a tenure track, working towards earning a permanent faculty position. I also serve as the artistic director of the Mozaika Concert Series at the college, a program that I created to foster multicultural dialogue through performances of classical to contemporary music, whose ticket sales proceeds have been directed toward initiatives that benefit our students. I love teaching, collaborating with colleagues, and performing with students and faculty.

My dream was always to teach in academia and I have pursued this path for the past ten years, having completed my master's and doctorate degrees while working as an adjunct faculty member in various schools. That dream hit a high point when I joined RVCC as a full-time faculty member in 2020, and I have devoted the past four years to building the music program. However, given my experiences over the past year I am no longer filled with optimism about a future in post-secondary education. Never in my life would I have expected to face such open hatred, disrespect and humiliation. My enthusiasm for teaching at my college has been steadily eroded. Any desire to continue showing up for work at a place where such animosity is tolerated, has evaporated. It is heartbreaking to see so many Jewish colleagues, both professors and students, experiencing similarly painful events on their campuses. Having grown up in the USSR, where my family and I experienced systemic and vicious antisemitism, the current-day situation is something that I never would have imagined possible in the USA.

RVCC serves students coming from a wide range of socio-economic and educational backgrounds, many of whom are first generation college students. Over the past year, initiatives that were facilitated by the RVCC DEI department and student life staff encouraged pro-Hamas propaganda, a pro-Palestinian "narrative" and encampment advertisements to be published on RVCC social media. Many students followed and amplified such information, including BDS referenda at other colleges and protest locations. Public lectures and social media posts on the campus spread deeply divisive views, stating that Hamas members are "freedom fighters," repeating slogans like "From the river to the sea, Palestine will be free," and asserting that Zionists run the world. All my requests to have such social media content removed, or to moderate the dialogue by providing the opportunity for students to learn about the complex history and tensions of the region through inviting speakers who would present an alternate viewpoint, were rejected. I was labeled a "Zionist professor", as an "Islamophobe" and someone who spreads "dangerous misinformation about the Palestinian genocide." I have shared reports of these and other offensive assertions with members of the college administration, yet no one has taken any meaningful action to respond to them. As a public institution that uses government funds, the RVCC administration failed in its mission to educate, not indoctrinate, its students.

I am not one to bring my political views into the classroom, as I believe it is every teacher's professional and ethical obligation to uphold that separation. It is my duty to teach; it is not my place to tell students what they should think. Outside of the classroom, I view my private life as my own, one in which I should be free to speak to my perspectives and my values. I have often posted on social media, expressing viewpoints that are pro-Israel, defending Israel's right to exist, and shining a light on the spread of antisemitism around us. I have sought to keep my profile private, but on many occasions those that disagree with my views have discovered these posts and used them as a pretense to complain about me to the college administration. In May I submitted an [article](https://jewishlink.news/jewish-faculty-member-faces-echo-chamber-of-radicalism-at-raritan-valley-community-college/) that was published on Jewish Link (<https://jewishlink.news/jewish-faculty-member-faces-echo-chamber-of-radicalism-at-raritan-valley-community-college/>), and shared it on my personal social media pages.

The culmination of this series of events – the price for speaking up – was getting suspended without pay for two weeks. Rather than take meaningful actions to deal with antisemitism on our campus, the administration has sought to silence me. I am currently fighting the suspension, though at present I cannot foresee where it will ultimately lead.

These past four years I have prioritized building a competitive, high-quality music program at RVCC over my own personal performance career. But I cannot now imagine returning to campus. The hatred and antisemitism that I experienced at the hands of the administration and students have made it impossible to continue doing my job. The past spring semester triggered health and anxiety problems. I finished the semester on May 18th and packed up my office, intending to never return.

In the interest of brevity, rather than summarizing the events of the past year within this message, I have appended an outline of events summarizing my experiences which you may choose to read through. As always, I remain ever thankful for taking the time to read about my story, and for your sincere and robust actions in combatting modern-day antisemitism.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Keiserman', written over a light blue horizontal line.

Dr. Anna Keiserman
www.annakeisermanpiano.com

Timeline of events:

1. Throughout October the posting of anti-Israel statements began to spread throughout campus social media. Through my managing of the Instagram (IG) account for the RVCC Music Program, it was alarming to see IG posts from some of my own students containing messages like "From the river to the sea..." or questioning whether the events of October 7th actually happened. Many such messages were being posted on RVCC's internal social media platform, *RV Connect*, which is open to members of the RVCC community (students, faculty and alumni) only.
2. On October 12 during an RVCC faculty meeting, our Department Chairs informed us that we are advised not to discuss any topics on the Middle East conflict in the classrooms. I have consistently and strictly upheld this directive.
3. On October 31 the RVCC Muslim Students Association (MSA), together with members of the administration and several faculty members, hosted a guest lecture by a pro-Palestinian lobbyist from American Muslims for Palestine (AMP). The lecture was recorded and remained posted on the MSA IG page throughout the entire academic year, but was taken down around May 7 (i.e. around the time of my suspension). The lecture was propagandistic in nature and contained multiple instances of misinformation and antisemitic expressions, including:
 - that it was Israel who "launched" wars in 1948 and 1967.
 - that it was Israel who caused the Oslo peace process to fail.
 - that the US media and "majority of US Congress" are controlled by "the Zionist lobby".
 - that 40 babies were not beheaded on October 7th. (To this point one can only ask, what is being debated by such statements: how the babies were killed, or the quantity of beheadings?)

Statements like the above are designed to undermine the truths of the horrors from October 7th that were, and continue to be, revealed to the international community. The speaker encouraged those in attendance to engage with AMP, and to leverage AMP's resources to lobby Congress. Following the lecture, representatives from the Student Government Association (SGA) shared multiple anti-Israel resources on the *RV Connect* platform, including: CAIR; the BDS movement; AMP. That content remained posted on the *RV Connect* platform until approximately May 7.
4. In response I sent an email to fellow faculty and staff members in which I called for the issue to be dealt with, as it was becoming challenging to work each day with students being influenced by such propaganda. I drew attention to the same antisemitic language being echoed on *RV Connect* and provided screenshots as evidence.
5. On November 3 I met with the head of Human Resources at RVCC to discuss my alarm that an RVCC club had enlisted a Palestinian lobbyist to influence, train and recruit students to lobby Congress. During the meeting the head of HR stated that there was nothing wrong with the lecture, and that its contents were protected by freedom of speech. On this point I was in strong disagreement; that if misinformation qualifies as freedom of speech, then I strongly questioned our integrity as an academic institution. A public college must not endorse falsehoods or stand by while misinformation is presented as facts to the students.
6. On November 6 I checked the IG page of the Muslim Student Association (MSA) at William Paterson University (WPU) and found that a similar lecture (by a different speaker) had been posted. I posted a comment ("hamasis") because the lecture contained statements characterizing Hamas terrorists as "freedom fighters". In response to my comments, the students from WPU mobilized and demanded my immediate removal from the RVCC faculty. They sent coordinated emails to the RVCC

administration including the President, the Provost and my Dean. Simultaneously, they flooded RVCC's IG page with various derogatory comments about me.

7. On November 8 I met with the RVCC President, Provost and head of HR. I was advised that exercising my own freedom of speech could damage me. The administration subsequently removed the derogatory comments about me which had been posted on the RVCC IG page.
8. Throughout November the RVCC administration continued to receive complaints about my private social media (SM) posts (i.e. my personal accounts on Facebook and IG). I was advised to exercise caution about my posts. One of the Deans called me directly, warning that the position of Professor has "repercussions" and that I could lose my job due to my posts.
9. Subsequent attacks against me on social media and the web continued:
 - Several people posted fake, untruthful and harmful reviews on *RateMyProfessor.com*. (These were subsequently removed by *RateMyProfessor.com*.)
 - On campus social media, students posted content accusing me of "Islamophobia".
 - An article was published by the RVCC student publication *The Record* regarding my SM comments on the 10/31 AMP lecture at RVCC, as well as the 11/06 session at WPU. The article claimed that my comments created an "unsafe environment for any Muslim, Arab or Palestinian student on campus or any student that may be in her class."
10. Over time, I – along with a few other students, unbeknownst to me – continued to flag posts on *RV Connect* which contained propaganda, including the BDS referendum at Rutgers. (It should be noted that many of our students transfer to Rutgers.) Our identities were subsequently doxed by one of the student moderators of *RV Connect*. In addition to publicizing our identities, that moderator claimed that I have a "history of Islamophobia".
11. In February, I attempted to establish a Jewish Club on campus, and was in touch with a Jewish student who was interested in running it. When the motion was put to the student government during an SGA meeting, it was approved but only on the condition that I not be allowed as the faculty advisor. During the course of those proceedings, I was labeled "a Zionist". Furthermore, the Jewish student who made the motion was required to publicly renounce Zionism and "Islamophobia". The student let me know that they found another advisor, and that the club would be moving forward but that I would need SGA approval before attending any meetings.
12. On April 7, I checked the webpage of the RVCC Holocaust Institute. The statement acknowledging and condemning the events of October 7th had been taken down, as was the donation link to Magen David. (It bears noting that the statement only appeared on their website in November, following my protestations at their lack of acknowledgment.)
13. On April 21, after having long since come to the realization that my administration did not intend to take any actions against antisemitism on campus, I posted about it publicly on social media. Shortly thereafter the RVCC administration informed me that they were initiating an investigation.
14. The RVCC administration summoned me to a meeting on May 6. Present at the meeting were the head of HR as well as a lawyer representing the college, who questioned me about my role as professor and about my social media activities. At the end of that meeting, they informed me that would review the notes from that meeting and get back to me with their decision(s). (I reiterate that

my requests to remove the propaganda posts from *RV Connect*, containing "from the river to the sea" and "intifada revolution" were still being ignored up until this point in time.)

15. On May 9 I submitted an [article](https://jewishlink.news/jewish-faculty-member-faces-echo-chamber-of-radicalism-at-raritan-valley-community-college/) that was published on Jewish Link, and shared it on FB:
https://jewishlink.news/jewish-faculty-member-faces-echo-chamber-of-radicalism-at-raritan-valley-community-college/
Meanwhile, a number of students continued to email my administration with calls to fire me.
16. On May 10 I received another email from the RVCC administration requesting that I meet with the head of HR regarding further complaints about me. I was not provided with any explanation about the nature or substance of the complaints, nor who had initiated them. Subsequently on May 14, I received a notice of suspension without pay for a period of two weeks.
17. Since then I have been fighting to have the suspension removed, as I do not agree with any of the claims or assertions on which it is based. By suspending me the RVCC administration is seeking to silence me, rather than take any meaningful actions to deal with antisemitism on campus.

