

StandWithUs

Supporting Israel & Fighting Antisemitism

November 6, 2023

Re: Urgent Need to Better Protect Legal Rights of Jewish & Israeli Students

Dear General Counsel and Vice President of Student Affairs,

We write on behalf of StandWithUs, an international organization dedicated to combating antisemitism and supporting Israel, to ensure that you and your fellow administrators are on notice of the harassment, discrimination, intimidation, incitement to violence, criminal threats, and physical attacks being perpetrated by students and faculty against Jewish and Israeli students and staff on university campuses throughout the United States in the [wake of Hamas's](#) October 7, 2023, mass murder, mutilation, torture, beheading, kidnapping, burning, and rape of Jews, Israelis, and allied nationalities. As you are no doubt aware, it is the legal obligation of your administration to protect students and staff on your campus from such hostility.

Simply put, discrimination, harassment, and crimes against Jewish and Israeli students are illegal, and, if tolerated by your institution, can result in severe consequences, including the loss of federal funding.

I. Administrations Must Take the Necessary Steps to Prevent (or Correct) Hostile Antisemitic Climates for Jewish and Israeli Students.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance. The federal government has long declared that Title VI's protections apply to students who have experienced discrimination or harassment because they are perceived to be Jewish or Israeli. Indeed, the United States Department of Education's Office for Civil Rights reaffirmed that position just a few months ago in [a May 2023](#) "Dear Colleague" letter issued to remind schools of their Title VI obligations "[a]s we witness a nationwide rise in reports of antisemitic harassment, including in schools . . ." Title VI also clearly applies to discrimination or harassment based on Israeli citizenship or residency. There is no question that such harassment and discrimination is occurring today.

The Department of Education's "Dear Colleague" [letter](#) clearly outlines the consequences for universities who fail to meet their Title VI obligations to protect Jewish students: "If a hostile environment based on shared ancestry existed, and the school knew or should have known of the hostile environment, OCR will evaluate whether the school met its obligation under Title VI to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent harassment from recurring. In other words, **a school violates Title VI when it fails to take adequate steps to address discriminatory harassment, such as antisemitic harassment**" (emphasis added).

The United States government has directed that in investigating allegedly antisemitic incidents under Title VI, federal agencies “shall consider” the International Holocaust Remembrance Association (“IHRA”) Definition and the examples that accompany it, which include:

- Demonization, for instance, by calling for, aiding, or justifying the killing of Jews; using symbols associated with classic antisemitism, like blood libels, to characterize Jews, Israel, or Israelis; engaging in classic stereotypes about Jewish power and/or control;
- Delegitimizing the state of Israel and, in doing so, denying the Jewish people their equal right to self-determination; and
- Imposing double standards to condemn behavior by Jews or Israelis that is not condemned in others.

(See Executive Order 13899, <https://www.govinfo.gov/link/cpd/executiveorder/13899>)

Antisemitic incidents since Hamas’s October 7, 2023, massacre and kidnappings have surged far above the levels that triggered the May 2023 “Dear Colleague” letter. It is therefore all the more incumbent on your institution’s administration to honor its Title VI obligations, which are also enshrined in its own policies.

The relevant Title VI obligations include ensuring that Jewish students can participate in all educational programs and activities free from discrimination and in a safe environment free from intimidation, harassment, threats, and physical violence. This guidance is important to bear in mind, given the pro-Hamas student groups, such as Students for Justice in Palestine, are holding events on campuses that involve genocidal antisemitic calls. There are also rampant reports of professors and other instructors discriminating against and harassing Jewish and Israeli students in the classroom and through social media platforms. Educational institutions must fully protect Jewish students from antisemitic discrimination and physical attacks and make clear that anyone who violates the law will be punished to the fullest extent possible, including under relevant University policies.

II. Campus Groups, Such as Students for Justice in Palestine, Must be Held Fully Accountable for Antisemitic Harassment and Discrimination, and for Supporting Terrorism Targeting Jews and Israelis.

While all people of good conscience rightly acknowledge and unequivocally condemn Hamas’s terrorist atrocities, anti-Israel organizations (including national and local chapters of Students for Justice in Palestine or SJP) are openly [supporting](#) these murderous attacks by holding wide-scale events of support and so-called “resistance” on campus. These events—in which anti-Israel campus organizations, like National Students for Justice in Palestine (NSJP), are [encouraging](#) students to participate—serve to justify, and even celebrate, the horrific crimes against humanity of kidnap, rape, torture, and murder of men, women, and children that Hamas is inflicting on civilians. In addition, SJP is officially aligned with the global Boycott, Divestment, and Sanctions (BDS) movement, which has [expressed support](#) for the massacre of Jews by Hamas, calling it “heroic.” NSJP has published a [“Toolkit”](#) for students explaining that they are not merely allies to the “movement” to destroy Israel but active participants in it. This “Toolkit”

calls upon registered student organizations on campuses across the United States to fall into lockstep with Hamas' inhumane and murderous actions.

Based on the statements in this "Toolkit," including those in which the national SJP "has affirmatively identified" with Hamas's October 7th terrorist attack against Israel, the state of Florida has [ordered](#) all campus chapters of Students for Justice in Palestine in Florida to be shut down precisely because they are a hate group that has "knowingly provide[d] material support ... to a designated terror organization," in violation of the law.

These activities are not about legitimate political disagreements. Rather, SJP and other campus groups engaged in the types of events described in the NSJP "Toolkit" glorify atrocities, destruction of life, and disregard for human rights by "any means necessary" and express explicit support for violence by "armed struggle." Events meant to celebrate this kind of brutality can reasonably be anticipated to evoke an appetite for violence in some of those participating and to create a pervasively hostile and harassing environment for Jewish and Israeli students, including a justifiable and very real fear for their physical safety.

For these reasons, including the express assertion by NSJP that "Palestinian students . . . are PART of this movement" not merely "in solidarity" with a movement led by the U.S.-designated terrorist organization Hamas, **we request that you investigate whether the activities of SJP on your campus place the organization in violation of applicable laws**, such as those prohibiting material support to a designated foreign terrorist organization. Should such a violation be present, we ask that you take swift and robust action against SJP, including removing the organization from your campus.

III. Academic Departments, Student Government Bodies, and Registered Student Groups Must Not Be Permitted to Use University Resources to Espouse Hatred and Incite Violence, Especially with the Appearance of University Endorsement.

When academic departments, student government bodies, professors using official university assets, and registered student organizations issue biased statements about Israel, use discriminatory or harassing rhetoric about Israelis or Jews, or advocate for violence using official university channels or logos, they misuse school resources for their own political agenda, violate [professional standards](#), and silence members of the campus community with different perspectives. Academic freedom does not protect this activity. We encourage you to monitor the use of your university's communication channels and, if you believe there is a potential violation, immediately issue administrative guidance to correct misuse and reiterate the prevailing university policies and professional standards.

In addition, such one-sided statements fuel hatred against Jews and shield terrorists from accountability. While there are two parties to the years-long Israeli-Palestinian conflict, there is no moral equivalency in the current war. Your administration has the obligation to show moral leadership to your campus community by clearly condemning Hamas, as well as the vile assertion that Israel is to blame for the unfathomable atrocities committed by Hamas and its partner terror organizations.

IV. Your Administration Has an Obligation to Ensure That Student and Faculty Hate Speech Does Not Escalate into Harassing, Discriminatory, or Criminal Conduct.

While students may have the (limited) right to express hateful and bigoted speech toward Israel, they emphatically do not have the right to incite violence or engage in conduct that is motivated by those hateful and discriminatory views. They also do not have the right to promote violence against protected groups on campus, like Jews and Israelis, without repercussions.

Unfortunately, some of the rhetoric being used by SJP and similar student groups to advertise and conduct campus “resistance” events promotes precisely this kind of targeted violence against Jews and Israelis. For example, these events regularly feature certain chants whose meaning is commonly understood to target Jews and Israelis and to incite a climate of violence, harassment, and discrimination against those groups, including predominantly the following:

- *“From the River to the Sea, Palestine will be free”* and *“We don’t want two states, we want ’48”*: An accurate understanding of these phrases reveals that they are not social justice calls for Palestinian statehood; they are rallying cries to dismantle and destroy in its entirety the Jewish State of Israel, including all those currently living within it. Since 1948, Israel sits between the Jordan River and the Mediterranean Sea. Chants calling for the literal elimination of the State of Israel represent a threat to most Jews around the world, for whom a connection to their ancestral homeland of Israel (where many of their family and friends live) is an integral part of their Jewish identity.
- *“Long live the Intifada!”* or *“Intifada! Intifada!”*: The term “Intifada” refers to previous terror attacks against Israelis (the First Intifada in the late 80s-early 90s and the Second Intifada in the early 2000s), which left thousands dead or seriously injured, including Holocaust survivors and children, as well as tourists to Israel. Particularly in the current context and climate, this is a call for the eradication of the State of Israel through violent, terrorist means.

Explanations of additional bigoted and dangerous phrases used by these student groups to target Israel and its supporters is available [here](#). Your administration must take steps to ensure that this hateful rhetoric does not cross the line into unlawful conduct on your campus.

V. Additional Recommended Administrative Action to Ensure Proper Protection of Jewish and Israeli Students

Address unlawful campus protests: Separate from the incitement inherent in the above language, it should be noted that this very rhetoric has repeatedly led to substantial disruption on multiple campuses throughout the U.S. over the past couple of weeks. While such conduct can certainly be disciplined after the fact, more importantly, it is clear that public school officials need not wait for a riot but may in fact prohibit speech that presents a “[reasonable forecast of substantial disruption](#).” The recent riotous “demonstrations” by anti-Israel groups on U.S. campuses, all of which have included this type of hateful rhetoric (and worse), are sufficient to reasonably forecast such disruption will result from allowing rallies, protests, and demonstrations of this nature on other campuses. **We encourage you to seek legal guidance as to any means by**

which you may, consistent with applicable constitutional requirements, curtail and/or punish such calls for violence targeting identifiable minority groups such as Jewish and Israeli students. To the extent your campus currently enforces any limitations on hate speech targeting identifiable minorities, those should be applied equally here.

Require student identification at protests: We also encourage you (again, in light of the current climate in which Jewish and Israeli students are being harassed and even physically assaulted in connection with these events, and to the extent constitutionally permissible for your campus) to **consider limiting access to student-sponsored events and rallies to those individuals with valid student IDs. It appears that many of the individuals attending these demonstrations and rallies on campuses are not, in fact, registered students.** The presence of hundreds (or thousands) of angry adults with little or no connection to these institutions marching and chanting hateful and intimidating rhetoric—including directly *at* (as opposed to just near) Jewish students and Jewish campus buildings—has served to increase the hostile antisemitic environment on these campuses. As such, to the extent legally permissible, administrations should limit these anti-Israel events to registered students who can produce current student identification credentials.

Prohibit use of masks: There have been numerous reports of students wearing masks to conceal their identities while harassing and assaulting Jewish and Israeli students in conjunction with these “resistance” events on campus. **We urge you (to the extent permissible under your state’s laws) to prohibit the wearing of masks by those attending or engaged in campus demonstrations and rallies. We also ask that you ensure robust enforcement of any criminal laws in effect within your jurisdiction regarding the wearing of a mask during the commission of a crime.**

Correct unlawful coopting of the classroom: Professors do not have the right to discriminate in their treatment of Jewish and Israeli students. This extends to, among other things: coopting the classroom for purposes of political indoctrination, penalizing Jewish or Israeli students in the grading process, and denying Jewish or Israeli students’ legitimate accommodation requests based on the professor’s allegiance to an anti-Israel agenda. There have been numerous reports, for example, of teaching faculty and staff attending, endorsing, and encouraging planned walkouts by anti-Israel student groups. In some cases, these educators have even gone so far as to take their classes to these walkouts rather than using scheduled class time for its intended purposes. While students may have limited rights in terms of participation in such walkouts, educators should not be permitted to abuse their positions of authority in this manner. Indeed, most universities have policies prohibiting such use of class instruction time. Other educators have reportedly singled out Jewish and Israeli students in an attempt to make a political point about the Israeli-Palestinian conflict. **We ask that you provide your faculty and staff clear guidance regarding their obligations in this regard to prevent discriminatory treatment of Jewish and Israeli students, as well as the violation of students’ academic freedom rights.**

VI. Conclusion

This moment is a critical opportunity for your administration to show leadership and provide moral clarity to your students and staff, as well as within the broader culture. In addition to the recommendations provided above, we encourage your administration to join the over 100 campus leaders who have signed this [statement](#) in support of the State of Israel in the wake of Hamas's October 7th terrorist attack.

We are available to answer any questions you may have and to provide assistance with your institution's efforts to meet its obligations. We appreciate your attention to this pressing matter.

Sincerely,



Roz Rothstein
CEO and Co-Founder
StandWithUs



Yael Lerman
Director
Saidoff Legal Dept.



Carly Gammill
Director
Center for Combating Antisemitism