

United States Senate

WASHINGTON, DC 20510

May 28, 2024

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona:

As co-chairs of the Senate Bipartisan Task Force for Combating Antisemitism, we are deeply disturbed by the alarming rise of antisemitic incidents targeting Jewish students on college campuses across the United States. Colleges and universities have a legal obligation to protect students from discrimination and when they fail to meet their responsibility to uphold the civil rights of students, the Department of Education must hold them accountable using every available tool, up to and including withholding federal funding. Unfortunately, too many college and university leaders have failed to ensure the safety of Jewish students. We therefore request that you provide a report and briefing to Congress on the status of pending complaints related to antisemitic discrimination, as well as designate a senior official with the responsibility of overseeing the Department's efforts to counter antisemitic discrimination in higher education.

Jewish Americans are facing an unprecedented rise in antisemitism, particularly after the October 7, 2023 Hamas terrorist attack on Israel. The first-ever U.S. National Strategy to Counter Antisemitism rightly points out that, "all students, educators, and administrators should feel safe and free from violence, harassment and intimidation on their campuses." Yet according to a recent study, there has been a 321 percent increase of antisemitic incidents on colleges campuses compared to the same time frame the previous year. These antisemitic incidents include Jewish students being physically assaulted on campus, being prevented from entering campus buildings, being told to "go back to Poland," facing repeated verbal abuse, and having swastikas graffitied on their dorm room doors.

We appreciate the Department of Education's May 7, 2024 Dear Colleague reminding schools that receive federal funding that they have a legal responsibility to address discrimination against students, including Jewish students, and recognize that the Office for Civil Rights has opened in recent months dozens of investigations into complaints relating to campus antisemitism. However, far more work needs to be done to hold schools accountable for their failure to protect Jewish students on college campuses, including by swiftly resolving pending investigations related to antisemitism. Therefore, we request that you provide us with a report and briefing regarding complaints received by the Office for Civil Rights that concern discrimination under Title VI of the Civil Rights Act of 1964 on the basis of shared ancestry or ethnic characteristics that have been pending with the Department for over 6 months, including the reasons why each

pending complaint has not been resolved and an estimated timeframe for the resolution of the complaint.

We also urge you to designate a senior official with the responsibility of overseeing the Department's efforts to counter antisemitic discrimination in higher education, and to consult with the Senate and House Bipartisan Task Forces for Combating Antisemitism on the appointment of a designee. The designee's responsibilities should include:

- increasing awareness of antisemitic discrimination on campuses, including by proactively providing information to students about how to file complaints of discrimination with the Department;
- reminding schools of their legal responsibility under title VI of the Civil Rights Act of 1964 to provide all students, including those who are or are perceived to be Jewish or Israeli, a school environment free from discrimination, or face consequences; and
- making recommendations to the Secretary on the Department's efforts to counter antisemitic discrimination.

Thank you for your attention to this important matter. We look forward to hearing from you and stand ready to work together with you to help counter campus antisemitism.

Sincerely,



Jacky Rosen
United States Senator



James Lankford
United States Senator

CC: Catherine Lhamon, Assistant Secretary of Education for Civil Rights